

GOVERNMENT NOTICE

INSURANCE

NAMIBIA FINANCIAL INSTITUTIONS SUPERVISORY AUTHORITY

No. X

2018

STANDARDS MADE UNDER THE FINANCIAL INSTITUTIONS AND MARKETS ACT, 2018

The Namibia Financial Institutions Supervisory Authority has under section 410(3) of the Financial Institutions and Markets Act, 2018 (Act No. X of 2018), made the Standards set out in the Schedule.

Gersom Katjimune

Chairperson

Windhoek,

2018

FINANCIAL INSTITUTIONS AND MARKETS ACT, 2018 [Act No. • of 2018]

DRAFT STANDARD

THE REQUIREMENTS FOR THE REGISTRATION, OPERATION AND DUTIES OF
A LLOYD'S INTERMEDIARY IN NAMIBIA

NAMIBIA FINANCIAL INSTITUTIONS SUPERVISORY AUTHORITY

Standard No: INS.S.2.16

FINANCIAL INSTITUTIONS AND MARKETS ACT, 2018 [Act No. • of 2018]

The requirements for the registration, operation and duties of a Lloyd's intermediary in Namibia

Standard No. INS.S.2.16

issued by NAMFISA under sections 47(4), 50 and section 410(3) (p) of the Financial Institutions and Markets Act, 2018

Definition

1. (1) In this Standard, unless the context indicates otherwise—

- (a) “Act” means the Financial Institutions and Markets Act, 2018 [Act No. • of 2018], and includes the regulations prescribed under the Act and the standards and other subordinate measures issued by NAMFISA under the Act; and
- (b) “Lloyd’s broker” means a person authorised to act as an insurance broker or corporate insurance broker on behalf of Lloyd’s in a country other than Namibia.

(2) Words and phrases defined in the Act have the same meaning in this Standard, unless the context indicates otherwise, including without limitation, the following:

(a) as defined in section 1 of the Act—

- (i) NAMFISA;
- (ii) person;

(b) as defined in section 42 of the Act—

- (i) Lloyd’s;
- (ii) Lloyd’s broker;
- (iii) Lloyd’s intermediary;
- (iv) Lloyd’s representative;
- (v) Lloyd’s underwriter; and

(c) as defined in section 53 of the Act—

- (i) insurance broker;
- (ii) corporate insurance broker;
- (iii) registered corporate insurance broker; and
- (iv) registered insurance broker.

Applicability

2. This Standard applies to—

- (a) Lloyd's and the Lloyd's representative; and
- (b) Every registered insurance broker and registered corporate insurance broker registered under the Act that have also been approved by a Lloyd's broker or Lloyd's underwriter to act as a Lloyd's intermediary.

Part I: Registration (clauses 3 to 5)

Prior condition for registration

3. In order to be registered as a Lloyd's intermediary, a person must first be registered as an insurance broker or corporate insurance broker under section 59 of the Act.

Registration as a Lloyd's intermediary

4. (1) In order for a registered insurance broker to be registered by NAMFISA under the Act as a Lloyd's intermediary, the Lloyd's representative must submit to NAMFISA, in accordance with clause 5, a list of registered insurance brokers who —

- (a) have been approved by Lloyd's to place business with Lloyd's underwriter through Lloyd's broker; or
- (b) who have been approved by Lloyd's to act on behalf of Lloyd's underwriter.

(2) At the time the Lloyd's representative submits the list referred to in sub-clause (1), he or she must also, in accordance with clause 5, provide NAMFISA with—

- (a) the number under which the registered insurance broker is registered as such by NAMFISA;
- (b) a copy of an appointment letter or agreement from Lloyd's or Lloyd's underwriter; or
- (c) the required application fee; and
- (d) notwithstanding sub clauses (1) and (2), such other documents as NAMFISA may consider necessary and reasonable to prescribe.

Submission of application

5. The lists referred to in clause 4(1) or (2) and the information and documents referred to in clause 4(3) (a), (b) and (d) must be submitted manually and electronically to NAMFISA together with supporting documents to—

- (a) the designated NAMFISA person user account; and

(b) NAMFISA using either the postal or physical address.

Part II: Operations and duties (clauses 6 to 9)

Application for premium approval

6. A registered Lloyd's intermediary must, prior to seeking exchange control approval from an unauthorized dealer in foreign exchange for transferring premiums outside Namibia in relation to insurance placed at Lloyds, seek NAMFISA's approval by completing Schedule 1 to this Standard and submitting it to NAMFISA in accordance with clause 8.

7. Upon receipt of the completed Schedule 1, NAMFISA may, if it considers it appropriate to do so, issue a letter of approval to the Lloyd's intermediary for the premium transfer to Lloyds.

Where to submit the form

8. The Lloyds intermediary must submit the completed Schedule 1—

(a) by email to sti_exemptions@namfisa.com.na; and

(b) a copy to Namibia@lloyds.com.

Duties of Lloyd's intermediaries

9. A Lloyd's intermediary registered under the Act must at all times—

(a) comply with the requirements of sections 64, 66, 68, 69, 70, 71, 72 and 73 of the Act with any changes made necessary by the context; and

(b) in all policies and related documents and written communications with policyholders or potential policyholders, comply with the requirements for plain language in accordance with section 29 of the Act and Standard No. GEN.S. 9.17, Description of plain language.

Part III: General

Powers of NAMFISA and application of the Act

10. (1) In relation to Lloyd's intermediaries, NAMFISA has the powers referred to in section 66 of the Act, with such changes as may be made necessary by the context.

(2) Section 54 of the Act applies to Lloyd's intermediaries, with such changes as may be made necessary by the context.

SCHEDULE 1
LLOYD'S PREMIUM APPROVAL
FORM FOR PREMIUM APPROVAL PURSUANT TO CLAUSE 6

PART I

1.	APPLICATION DATE:	
2.	NAME OF INSURANCE INTERMEDIARY:	
2.1	NAMFISA REGISTRATION No:	
2.2	LLOYD'S INTERMEDIARY:	
3	LEAD SYNDICATE NAME & NUMBER:	
4	ACTIVE UNDERWRITER:	
5	NAME OF INSURED:	
6	IS THE INSURED A:	
	a) COMPANY	
	b) CLOSED CORPORATION	
	c) PARTNERSHIP	
	d) SOLE PROPRIETOR	

7	NATURE OF BUSINESS	
8	NAME OF PREVIOUS INSURER:	
9	DEDUCTABLES/EXCESS:	
10	PERIOD OF INSURANCE:	
11	PREMIUM PAYMENT INTERVALS:	
12	ANNUAL PREMIUM AMOUNT:	
13	ENCLOSURES:	Placing broker supporting invoices

I hereby warrant that in terms of the Financial Institutions and Markets Act, 2018 (Act No. • of 2018) (the “Act”) that by signing this document, I guarantee that all the above information is true and accurate and can be relied on and that I will disclose all necessary material information that may be required NAMFISA.

Signed at _____ this ____ day of

Signature : _____

Designation: _____

For advice on completion or how to transfer Lloyd’s premiums, please contact Lloyd’s International

Trading Advice (LITA@lloyds.com).

Permitted Insurance Classes, Scope of Cover and Cover amounts

Please tick the Class & subclass with \checkmark

PART II

Insurance Class	Descript Scope of	Sum	Premium	Local	Net
1. Fire					
b) Fire & Natural					
c) Miscellaneous					
2. Marine					
a) Ships					
b) Liability for ships					
3. Aviation					
a) Aircraft					
b) Liability for					
4. Vehicles					
a) Land Motor					
b) Liability for Motor Vehicles					
5. Guarantee					
6. Miscellaneous					
a) Personal Accident					
b) Sickness					
c) General Liability					
d) Damage to Property					
e) Goods in transit					
f) Credit					
g) Railway rolling stock					
h) Legal Expenses					
i) Expropriation & Confiscation of Property					
j) Other					
7. Personal					

