## THE INSURANCE BILL, 2021

#### MEMORANDUM

The objects of this Bill are to—

- (a) provide for the regulation of the insurance industry;
- (b) provide for the supervision of insurers, reinsurers and intermediaries;
- (c) provide for the financial regulation of insurers, reinsurers and intermediaries:
- (d) provide for the regulation and supervision of microinsurance businesses;
- (e) provide for the management and shareholding of insurers, reinsurers and intermediaries;
- (f) provide for the auditing and corporate responsibility of insurers, reinsurers and insurance brokers;
- (g) continue the existence of the Policyholders' Protection Committee and the Insurance Fidelity Fund;
- (h) provide for the establishment of the National Reinsurance Company;
- (i) give effect to the Agreement establishing the African Reinsurance Corporation and the Agreement establishing the ZEP-RE (Preferential Trade Area Reinsurance Company);
- (j) repeal and replace the Insurance Act, 1997; and
- (k) provide for matters connected with, or incidental to, the foregoing.

,

L. Kalaluka, *Attorney-General* 

## THE INSURANCE BILL, 2021

## ARRANGEMENT OF SECTIONS

## PART I

#### PRELIMINARY PROVISIONS

#### Section

- 1. Short title and commencement
- 2. Interpretation

#### PART II

#### Admistration

- 3. Administration of Act
- 4. Seal of Authority
- 5. Registrar

## PART III

#### REGULATION OF INSURANCE INDUSTRY

- 6. Prohibition on carrying on insurance business without licence
- 7. Types of licences
- 8. Categories of insurance business
- 9. Restriction on composite insurance
- 10. Application for insurance licence
- 11. Consideration and grant or refusal to grant licence
- 12. Duration of licence
- 13. Surrender of licence
- 14. Suspension and cancellation of licence
- 15. Effect of suspension or cancellation of licence
- 16. Loss or damage of licence
- 17. Application for amendment of licence
- 18. Accepting insurance or reinsurance business from unlicensed person
- 19. Entering into insurance contract with unlicensed person
- 20. Repayment of funds
- 21. Insurance broker to transmit premium
- 22. Separate client account

#### PART IV

#### Insurance Policies

- 23. Lodging of insurance form
- 24. Form of policies
- 25. Premium rates
- 26. Payment of premium
- 27. Currency
- 28. Settlement of claims
- 29. Policies and payments
- 30. Action against insurer and insurance broker
- 31. Life insurance by minor
- 32. Naming of beneficiary in life policy
- 33. Protection of proceeds during life of policyholder
- 34. Protection of beneficiary on death of policyholder
- 35. Protection of policy for spouse and children
- 36. Further protection for spouse
- 37. Selection for realisation of life policy
- 38. Partial realisation and conversion of policy
- 39. Agreement to exchange life policy
- 40. Incorrect statement in proposal for life policy
- 41. Life policy intended to defraud creditor
- 42. Proof of age
- 43. Incorrect age in life policy
- 44. Death occasioned by insured person or beneficiary
- 45. Lost or destroyed life policy
- 46. Cancellation of life policy
- 47. Discrimination between life policy
- 48. Premium rates on life policy

#### PART V

# Management and Shareholding for Insurers, Reinsurers and Insurance Brokers

- 49. Shareholding
- 50. Principal office for insurance business
- 51. Representation by chief executive officer
- 52. Acting as director and senior officer
- 53. Appointment of director and senior officers
- 54. Approval or refusal to approve appointment
- 55. Notice of termination of appointment
- 56. Absence of chief executive officer
- 57. Restriction on employment
- 58. Restriction on holding shares
- 59. Board of directors of insurer or reinsurer
- 60. Corporate governance standards

#### PART VI

## FINANCIAL REGULATION OF INSURANCE BUSINESS

- 61. Reserves for unexpired risk
- 62. Reserves for outstanding claim
- 63. Statutory fund
- 64. Compliance with solvency requirements
- 65. Solvency statement
- 66. Furnishing of information on assets and liabilities
- 67. Publication of authorised capital, subscribed capital and paid up capital
- 68. Investment of funds
- 69. Licensee to appoint actuary
- 70. Notification of ceasing to have actuary
- 71. Actuarial investigations
- 72. Distribution of surplus to policyholder
- 73. Notification where capital requirements unlikely to be met

#### Insurance

# PART VII REINSURANCE

- 74. Reinsurance programmes
- 75. Submission of reinsurance treaties and contracts
- 76. Promotion of local cessions and conduct of reinsurance business
- 77. National Reinsurance Company
- 78. Mandatory cessions

## PART VIII

#### MERGERS AND TAKEOVERS OF INSURANCE BUSINESS

- 79. Prohibition on mergers and takeovers
- 80. Approval of merger or takeover or transfer
- 81. Inquiry into effect of merger or takeover
- 82. Notice to policyholders
- 83. Determination of application
- 84. Notification on finalisation of merger or takeover
- 85. Effect of merger or takeover on insurer
- 86. Effect of merger or takeover on policyholder

## PART IX

#### AUDITORS, ACCOUNTS AND RETURNS

- 87. Appointment of external auditor
- 88. Appointment of firm or body corporate
- 89. Duties of external auditor
- 90. External auditor's duty to report
- 91. Immunity of external auditor
- 92. Disqualification of external auditor
- 93. Auditing of accounts
- 94. Request for extended scope audit
- 95. External auditor's certificate
- 96. Information by external auditor to Authority
- 97. Access to information by external auditor
- 98. External auditors report

## N.A.B. 36, 2021