
Administration of Fund	<p>4. (1) The Committee shall administer and manage the Fund.</p> <p>(2) The Committee shall establish prudent controls for the Fund, especially relating to—</p> <ul style="list-style-type: none">(a) fiscal controls and accounting procedures governing the Fund;(b) reporting procedures for matters relating to the Fund; and(c) investment of the monies of the Fund. <p>(3) The Committee shall cause to be kept proper books of account and other records relating to the account of the Fund.</p> <p>(4) The Fund shall be audited annually by the Auditor-General or an auditor appointed by the Auditor- General.</p>
Fund account Act No. 1 of 2018	<p>5. Subject to the Public Finance Management Act, 2018, the Committee shall open and operate an account for purposes of the Fund at a commercial bank that the Board may determine.</p>
Disbursement from Fund	<p>6. (1) The expenses incurred in the administration of the Fund and payable out of the Fund shall not exceed fifteen percent of the total value of the Fund as at 31st December of the previous year.</p> <p>(2) The total amount of claims payable out of the Fund under these Regulations to a claimant who is entitled to indemnity shall not exceed the amount due to that claimant under the policy.</p>
Insurance of Fund	<p>7. The Committee may insure the Fund with an insurer registered under the Act in order to provide indemnity to the Fund against grants made under these Regulations.</p>
Claims against Fund	<p>8. (1) A person who suffers pecuniary loss caused by an insurer or broker licensed under the Act or an employee of the insurer or broker in the course of a licensed activity, may apply to the Committee for a grant out of the Fund to compensate the applicant for the loss incurred in Form I set out in the Schedule.</p> <p>(2) The Committee shall, within sixty days of receipt of the application under subregulation (1), determine the application and notify the applicant of the approval or rejection of the application in Form II or Form IV set out in the Schedule.</p> <p>(3) The Committee may grant a claim under this regulation despite the fact that after the commission of the act giving rise to the claim—</p> <ul style="list-style-type: none">(a) the insurer or broker has died or ceased to carry on the licensed activity under the Act; or(b) the registration of the insurer or broker is cancelled or the insurer or broker is suspended from carrying on the licensed activity under the Act.

- | | |
|---|------------------------|
| <p>9. The Committee shall, where it requires more information in relation to a claim made under regulation 8, notify the applicant in Form III set out in the Schedule.</p> | Further information |
| <p>10. The Committee shall not authorise the payment of a claim out of the Fund where —</p> <p>(a) the applicant is or was a shareholder, executive director or executive officer who has previously been in the employment of the insurer or broker which is in default for a period of three years immediately preceding the claim;</p> <p>(b) the insurer or broker in default has not been declared insolvent by the Registrar at the time of application and on the findings of the Committee, the liquidator confirms that the assets of the insurer or broker are sufficient to settle the holder or beneficiary's claim; or</p> <p>(c) the applicant makes a claim more than five years of the date of publication of the liquidation schedule.</p> | Rejection of claim |
| <p>11. (1) The Committee shall where it grants a claim under Regulation 8, pay the grant out of the Fund within sixty days of the date of approval of the claim.</p> <p>(2) The amount payable to a claimant in respect of an insurer or a broker in default shall not exceed ten percent of the value of the Fund as at 31st December of the previous year.</p> | Payment of claim |
| <p>12. (1) Subject to regulation 11, where the amount at credit in the Fund is insufficient to pay the whole amount of the claim against the Fund, which is allowed, the amount of credit in the Fund shall abate in equal proportions.</p> <p>(2) A claimant who received funds in accordance with subregulation (1) shall have no further claim to the Fund.</p> | Apportioning of claims |
| <p>13. (1) A person aggrieved by the decision of the Committee may appeal to the Board within thirty days of receipt of the decision of the Committee in Form V set out in the Schedule.</p> <p>(2) The Board shall consider the appeal within ninety days and notify the person of its decision within fourteen days of the date of the decision.</p> <p>(3) A person aggrieved by the decision of the Board may appeal to the court.</p> | Appeals |
| <p>14. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Committee shall submit to the Minister a report concerning its activities during the financial year.</p> | Annual report |

(2) The report under subsection (1) shall include information on the financial affairs of the Committee and there shall be appended to the report

(a) an audited statement of financial position;

(b) an audited statement of comprehensive income; and

(c) other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report under subsection (1), lay the report before the National Assembly.

Revocation of
S.I.
No. 59 of
2019

15. The Insurance (Fidelity Fund) Regulations, 2019, are revoked.

SCHEDULE
(Regulations 8, 9, 10 and 13)

Form I
(Regulation 8)



The Insurance Act, 1997
(Act No. 27 of 1997)

The Insurance (Fidelity Fund) Regulations, 2021

APPLICATION FOR CLAIM FOR PAYMENT							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; text-align: center;">Shaded fields for official use only</td> <td style="width: 30%;"></td> <td style="width: 40%; text-align: center;">Code</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Date/Time</td> </tr> </table>	Shaded fields for official use only		Code			Date/Time
Shaded fields for official use only		Code					
		Date/Time					
Please complete in block letters							
1.	Names of Applicant: (a) Surname (b) Forename(s)						
2.	(a) Nationality (b) Identity card – (i) NRC (ii) Passport No. (Attach certified copies)						
3.	Notification address Tel No: Fax No: E-mail						
4.	Particulars of claim (attach supporting documents)						
5.	Bank details of Applicant						
6.	<p>STATUTORY DECLARATION</p> <p>I..... do solemnly declare that the information provided in this application is correct and true, and complete to the best of my knowledge and belief.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Applicant's signature</i> _____ <i>Date</i></p>						

Form II
(Regulation 8(2))



The Insurance Act, 1997
(Act No. 27 of 1997)

The Insurance (Fidelity Fund) Regulations, 2021

NOTICE OF APPROVAL OF APPLICATION

(1) Here insert the full names and address of the applicant To (1)

(2) Here insert the serial No. of the application IN THE MATTER OF (2).....
You are notified that your application for
..... has been approved by the Committee on the following terms and conditions:

(3) Signature of Chairperson (a)
(b)
(c)
(d)
within days. If you fail to furnish the requested information within the stipulated period, your claim will be treated as invalid and shall be rejected.

Dated this day of..... 20

.....
Chairperson

OFFICIAL
STAMP



The Insurance Act, 1997
(Act No. 27 of 1997)

The Insurance (Fidelity Fund) Regulations, 2021

REQUEST FOR FURTHER INFORMATION

(1) Here insert the full names and address of the applicant

To (1)
.....
.....

(2) Here insert the serial No. of the application

IN THE MATTER OF (2)

You are requested to furnish the following information or documents in respect of the following claim:

- (a).....
- (b).....
- (c).....
- (d).....

(3) Signature of Registrar

within days. If you fail to furnish the requested information within the stipulated period, your claim will be treated as invalid and shall be rejected.

Dated this day of..... 20

.....
Chairperson

*Delete as appropriate





The Insurance Act, 1997
(Act No. 27 of 1997)

The Insurance (Fidelity Fund) Regulations, 2021

NOTICE OF REJECTION OF APPLICATION

- (1) Here insert the full names and address of the applicant To (1)
 IN THE MATTER OF (2)
 You are notified that your application for
 has been rejected by the Committee on the following grounds:
- (2) Here insert the serial No. of the application (a)
 (b)
 (c)
 (d)

Dated this day of..... 20

.....
Chairperson

OFFICIAL
STAMP



The Insurance Act, 1997
(Act No. 27 of 1997)

The Insurance (Fidelity Fund) Regulations, 202

INOTICE OF APPEAL TO BOARDIN THE MATTER OF

(Appellant’s reference and matter of appeal)I appeal, against the decision of the Committee on the following grounds:

- (a)
- (b).....
- (c)
- (d)

.....Dated this day of..... 20

.....
Signature of appellant

* Attach brief if necessary

DR B. K. E NG’ANDU,
Minister of Finance

LUSAKA
6th May, 2021
[MFB.101/39/1]

