

REPUBLIC OF NAMIBIA

NATIONAL ASSEMBLY

**PENSION FUNDS
AMENDMENT BILL**

(As read a First Time)

(Introduced by the Minister of Finance)

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

BILL

To amend the Pension Funds Act, 1956, so as to empower the Minister to make regulations prescribing the minimum or maximum amount or both the minimum and maximum amounts which a pension fund may invest in or outside Namibia, authorizing the registrar to grant conditional exemption from certain provisions, and prescribing administrative penalties for contravention or failure to comply with certain regulation; and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:

Amendment of section 36 of Act No. 24 of 1956, as amended by section 18 of Act No. 103 of 1979, section 18 of Act No. 86 of 1984, section 9 of Act No. 53 of 1989 and section 1 of Act No. 4 of 1994

1. Section 36 of the Pension Funds Act, 1956 (Act No. 24 of 1956), is amended –

(a) by the substitution for paragraph (bB) and (bC) of the following paragraphs:

“(bB) **[limiting the amount which and the extent to which]** prescribing the minimum or maximum or both the minimum and maximum amounts which a fund may invest –

(i) in or outside Namibia;

(ii) in particular assets or in particular kinds or categories of assets whether in Namibia or elsewhere, prescribing the basis on which the **[limit]** amount shall be determined and defining the kinds or categories of assets to which the **[limit]** amount applies;

(bC) authorizing the registrar to grant **[un]**conditional exemption, whether unlimited or limited in duration, from provisions of the regulations contemplated in paragraph (bB);” and

(b) by the insertion after paragraph (bC) of the following paragraph:

“(bD) prescribing administrative penalties for contravention of or failure to comply with any regulation to which penalties subsections (3), (4) and (5) of section 37 apply with the necessary changes.”.

Amendment of section 37 of Act No. 24 of 1956

2. Section 37 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

“(5) Any penalty payable under subsection (2) **[shall be]** is a debt due to the **[Union Government]** Namibia Financial Institutions Supervisory Authority and may be recovered by the registrar by action in any competent court.”.

Short title

3. This Act is called the Pension Funds Amendment Act, 2011.
