

MEDICAL AID

Medical Scheme for Members of the National Assembly, Judges and Other Office Bearers Act 23 of 1990

Summary: This Act ([GG 118](#)) extends membership of the medical scheme established for the public service under the Public Service Act 2 of 1980 to members and former members of the National Assembly, judges and former judges of the Supreme Court and the High Court, certain other office-bearers and other persons, and to their surviving spouses.

Regulations: The Act makes no provision for regulations.

Notices: Certain officials are named as office-bearers for purposes of the Act from time to time, but these designations have not been recorded here.

Medical Aid Funds Act 23 of 1995

Summary: This Act ([GG 1226](#)) regulates medical aid funds and establishes the Namibian Association of Medical Aid Funds. This Act repeals the *Medical Schemes Act 72 of 1967*. Part III was brought into force on 1 February 1996 by GN 25/1996 ([GG 1255](#)). The remainder of the Act was brought into force on 11 February 1997 by GN 11/1997 ([GG 1496](#)).

Amendments: The Namibia Financial Institutions Supervisory Authority Act 3 of 2001 ([GG 2529](#)), which was brought into force by GN 85/2001 ([GG 2528](#)), amends section 1 and substitutes section 3.

Act 11/2016 ([GG 6180](#)) amends section 1 and substitutes section 7 and 45.

The Act is also amended by the Financial Institutions and Markets Act 2 of 2021 ([GG 7645](#)), which has not yet been brought into force.

Regulations: Section 46(2) provides that anything done under a repealed law “which could have been done under a corresponding provision of this Act” survives. However, pre-independence regulations have not yet been researched.

Regulations made under the current Act are contained in GN 12/1997 ([GG 1496](#)), as amended by GN 193/2018 ([GG 6688](#)).

Notices: General Notice 19/2007 ([GG 3788](#)) declares it an undesirable practice for medical aid funds to use certain game shows and other competitions as forms of advertisement.

General Notice 363/2017 ([GG 6399](#)) declares certain rules on restrictions and exclusions in respect of third party claims to be undesirable practices for medical aid funds.

General Notice 129/2020 ([GG 7169](#)) issues a “Covid-19 Pandemic: Declaration of undesirable practice” in terms of section 4(9) of the Act.

The particulars of individual registered funds are not recorded here.

Cases: *Namibian Association of Medical Aid Funds v Namibian Competition Commission* (A 348/2014) [2016] NAHCMD 80 (17 March 2016), overturned on appeal in *Namibian Association of Medical Aid Funds v Namibia Competition Commission* 2017 (3) NR 853 (SC) (holding that funds established

pursuant to the Act do not fall within the definition of “undertaking” in the Competition Act 2 of 2003).

Commentary:

Patric Kauta & Mercy Kuzeeko, “Supreme Court of Namibia: NAMAFA and others v Namibian Competition Commission and another. Where is the solidarity?”, *Namibia Law Journal*, Volume 9, Issue 1, 2017

PM Balhao, “NAMAFA v NCC: Was the wealth behind the health overlooked?”, *Namibia Law Journal*, Volume 10, Issue 1, 2018.

See also Hospitals and Health Facilities Act 36 of 1994 (tariffs for state patients) (**HOSPITALS**).

See also *Employees’ Compensation Act 30 of 1941* (tariff of fees for medical aid) (**LABOUR**).

See also the Presidential Emoluments Act 17 of 1990 and Former Presidents’ Pension and Other Benefits Act 18 of 2004 (medical aid benefits for President and former Presidents) (**PRESIDENT**).

See also Social Security Act 34 of 1994 (Maternity Leave, Sick Leave and Death Benefit Fund; National Medical Benefit Fund) (**SOCIAL SECURITY**).