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) amends section 1 and substitutes section 3. Act 11/2016 (GG 6180) amends section 1 and substitutes section 7 and 45.

**Regulations:** Section 46(2) provides that anything done under a repealed law “which could have been done under a corresponding provision of this Act” survives.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 been researched.

Regulations made under this 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.

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: NAMAF and others v Namibian Competition Commission and another. Where is the solidarity?”, Namibia Law Journal, Volume 9, Issue 1, 2017

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).