

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 95 OF 2015

**The National Pension Scheme Act**

(Laws, Volume 15, Cap 256)

**The National Pension Scheme (Medical Board)  
Regulations, 2016**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Title
2. Interpretation
3. Qualification for invalidity benefit
4. Application for invalidity benefit
5. Notice of hearing
6. Determination of claim
7. Powers of medical board
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10. Appeal

SCHEDULE

IN EXERCISE of the powers contained in section 27 of the National Pension Scheme Act, the following Regulations are made:

- |  |  |
|--|--|
| Title  | 1. These Regulations may be cited as the National Pension Scheme (Medical Board) Regulations, 2016.  |
| Interpretation   | 2. In these Regulations, unless the context otherwise requires—<br>“gainful employment” means employment in respect of which an employee is remunerated by the employer and the remuneration qualifies the employee to contribute to the Scheme;<br>“medical board” means a board established by the Authority pursuant to section 27 of the Act;<br>“permanent invalidity” means a physical or mental inability suffered by a person, which renders that person incapable of engaging in gainful employment; and<br>“scheme” has the meaning assigned to it in the Act. |
| Qualification for invalidity benefit<br>S.I No. 71 of 2000 | 3. A person qualifies for an invalidity benefit if that person satisfies conditions set out in regulations 3 and 10 of the National Pension Scheme (Benefits and Eligibility) Regulations, 2000.   |
| Application for invalidity benefit                         | 4. The Director General shall refer an application for invalidity benefit to a medical board in Form I set out in the Schedule.  |
| Notice of hearing  | 5. (1) A medical board shall, within fourteen days of receipt of an application for invalidity benefit under regulation 4—<br>(a) set a date for the hearing; and<br>(b) issue to the applicant, a notice of hearing in Form II set out in the Schedule.<br><br>(2) A person serving the notice of hearing under sub-regulation (1) shall request the person served to acknowledge receipt of the notice in Form III set out in the Schedule.  |
| Determination of claim                                     | 6. (1) A medical board shall, in determining a claim under these Regulations, take into account—<br>(a) the medical status of the applicant;<br>(b) whether the applicant has suffered a permanent invalidity;<br>(c) the date of the onset of the permanent invalidity; and<br>(d) the age of the applicant.<br><br>(2) A medical board shall hear and determine a claim within one hundred and twenty days of the date of receiving the claim.   |
| Powers of medical board                                    | 7. (1) A medical board may, for the purpose of any hearing -<br>(a) receive evidence;  |

- (b) summon and administer an oath or affirmation to a witness; and
- (c) require the production of any book, record, document, electronic record or anything required for the purpose of the proceeding.
- (2) A summons issued under these Regulations shall be in Form IV set out in the Schedule.
- (3) A person summoned to attend before a medical board who, without reasonable excuse—
- (a) refuses or fails to attend at the time and place specified in the summons or having attended, leaves without the permission of the medical board;
- (b) having attended before the medical board, refuses to be sworn or to affirm;
- (c) refuses to answer fully and satisfactorily to the best of that person's knowledge and belief, any questions lawfully put to that person; or
- (d) refuses to produce any book, record, document or thing which that person has been required by summons to produce; commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.
- (4) A person summoned by a medical board under this Regulation shall be paid such allowances as may be determined by the Authority.
8. (1) Three members of a medical board form a quorum.
- (2) There shall preside at a meeting or hearing of a medical board—
- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; or
- (c) in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect for the purposes of that meeting or hearing.
- (3) A decision of the medical board on any question shall be by a majority of the members present and voting at the meeting or hearing and in the event of an equality of votes, the person presiding at the meeting or hearing shall have a casting vote, in addition to that person's deliberative vote.

Proceedings  
of medical  
board

(4) The proceedings of a medical board shall be in camera.

(5) A medical board may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberation of the meeting or hearing of the medical board, but that person shall not have any vote.

(6) A medical board shall cause to be kept a record of its proceedings.

(7) A party to the hearing of a medical board may appear in person or be represented by a legal practitioner, a legal representative or immediate former employer where the circumstances leading to the making of an application for invalidity benefit occurred while in the service of that former employer.

(8) A member of a medical board shall not participate in a hearing of a claim of invalidity benefit if that member —

(a) is directly or indirectly interested in a private capacity in a matter that is the subject of consideration; or

(b) has had any professional responsibility for the person with respect to the conduct giving rise to the claim.

(9) A disclosure of interest made under this regulation shall be recorded in the minutes of the meeting or hearing at which it is made.

Decision and  
report by  
medical  
board

9. (1) A decision of a medical board shall be in the form of an award or a medical report and a copy of the report shall be supplied to each party to the proceedings within fourteen days of the decision.

(2) A medical board shall, as soon as practicable after the completion of a hearing, submit to the Authority, a report of the proceedings and a copy of the award or medical report.

Appeal

10. (1) A person dissatisfied with a decision of a medical board may appeal to the Minister, within thirty days of receiving the decision.

(2) The Minister shall determine the claim within thirty days of receiving the appeal.

(3) An appeal under sub-regulation (1) shall be in Form V set out in the Schedule.

(4) A person dissatisfied with the decision of the Minister may, within thirty days of receiving the decision, appeal to the High Court.

SCHEDULE

(Regulation 4, 5(1) 5(2), 7(2), 9 (2) and 10(2))

PRESCRIBED FORMS

Form I  
(Regulation 4)



**The National Pension Scheme Act**

**The National Pension Scheme (Medical Board)  
Regulations, 2016**

**REFERENCE TO MEDICAL BOARD**

**To:** The Secretary, Medical Board  
.....  
.....

**Claimants Name:** .....

**Social Security No.:** .....

**Other Details:** .....  
.....

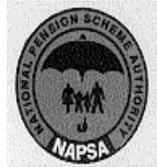
Following a claim made by the said.....I have determined that the claimant is eligible for invalidity benefits on account of his/her age, current work status and insured status. I, therefore **HEREBY** refer this claim for determination whether the claimant is suffering from an invalidity that has rendered him/her incapable of engaging in gainful employment and the date of the onset of the invalidity.

**NOTE:** This claim must be scheduled for hearing not more than three (3) months from the date of receipt of this reference.

Dated the.....day of .....20.....

\_\_\_\_\_  
Director-General

Form II  
(Regulation 5 (1))



**The National Pension Scheme Act**

**The National Pension Scheme (Medical Board)  
Regulations, 2016**

**NOTICE OF HEARING**

**Claimants Name:** .....

**Social Security No.:** .....

**Other Details...** .....  
.....

TAKE NOTICE that your claim for benefits under the National Pension Scheme Act has been referred to this Board for a determination whether you are suffering from an invalidity that has rendered you incapable of engaging in gainful employment and the date of the onset of the invalidity.

The hearing shall take place at.....on the .....day of .....20.....at .....hours.

Dated the.....day of .....20.....

\_\_\_\_\_  
*Secretary*

Form III  
(Regulation 5 (2))



**The National Pension Scheme Act**

**The National Pension Scheme (Medical Board)  
Regulations, 2016**

**ACKNOWLEDGEMENT OF SERVICE**

To: The Secretary, Medical Board  
.....  
.....

**Claimants Name:** .....  
**Social Security No.:** .....  
**Other Details:** .....  
.....

I acknowledge service of the Notice of Hearing on me personally. I have noted the date for hearing and-

- (a) shall attend as appointed; or
- (b) shall not attend, but would like the Board to make a determination in my absence;
- (c) I have appointed.....to represent me at the hearing.

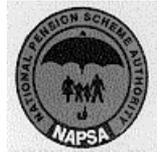
Dated the.....day of .....20.....

\_\_\_\_\_  
*Claimant*

**NOTE:**

- (1) You have the right to appoint a representative to appear on your behalf at the hearing.
- (2) In the event that you are unable for whatever reason to attend at the hearing, you may inform the medical board and request a postponement of the date for hearing.
- (3) You are required to complete a Form of Acknowledgement of this Notice and return it to the medical board.

Form IV  
(Regulation 7(2))



**The National Pension Scheme Act**

**The National Pension Scheme  
(Medical Board) Regulations, 2016**

**SUMMONS TO A WITNESS**

To: .....

*(Name of Witness)*

IN THE MATTER OF .....

*(Claimants reference and matter of appeal)*

You are hereby summoned to attend before the Medical Board sitting at .....on the.....day of .....20 .....at .....hours and so from the day-to-day until the cause is heard, to give evidence on behalf of the claimant or Medical Board.

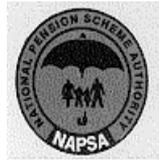
Dated the.....day of .....20.....

.....  
*Chairperson*

**NOTE:**

Failure to comply with this summons constitutes an offence punishable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

Form V  
(Regulation 10 (2))



**The National Pension Scheme Act**

**The National Pensions Scheme  
(Medical Board) Regulation, 2016**

**NOTICE OF APPEAL TO THE MINISTER**

IN THE MATTER OF.....  
(Appellant's reference and matter of appeal)

I.....  
(Name of appellant)

appeal against the decision of the Board on the following grounds\*

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

Dated the.....day of .....20.....

.....  
*Signature of Appellant*

\*Attach brief if necessary

LUSAKA  
28th November, 2016  
[MLSS/70//3/10]

J. C. N. SIMUKOKO,  
*Minister of Labour and  
Social Security*

