

**THE ZAMBIA NATIONAL PROVIDENT FUND
REGULATIONS [ARRANGEMENT OF REGULATIONS]**

**PART I
PRELIMINARY**

Regulation

1. Title
2. Interpretation

**PART II
REGISTRATION OF
EMPLOYERS AND
IDENTIFICATION OF
EMPLOYEES**

3. Registration of employers
4. Change of circumstances
5. Religious organisations
6. Employer's account number
7. Registration of employee
8. Membership card
9. Social security number
10. Employee responsible for card
11. Custody of cards
12. Member's right of access to card
13. Disposal of card
14. Lost or destroyed cards
15. Found cards
16. Incorrect card

17. Prohibition of defacing or destroying of cards
18. Incorrect possession of card
19. Possession of more than one card

PART III

CONTRIBUTIONS

Regulation

20. Records to be kept by contributing employers
21. Monthly return to be made by contributing employers
22. Member contributing on his own behalf
23. Employment by two or more employers
24. Payment of contributions
25. Contributions made in error
26. Making of refunds

PART IV

BENEFIT

27. Claim by member for benefit
28. Claim for benefit after death of a member
29. Further evidence
30. Medical examination
31. Statutory declaration

PART V

MISCELLANEOUS

32. Form of payment
33. Signing of documents
34. Duty of employees

- 35. Incomplete or inaccurate documents
- 36. Transfer to the Reserve Account
- 37. Classification of wages

FIRST SCHEDULE-Membership card

SECOND SCHEDULE-Provisional registration card

**SECTION 44-THE ZAMBIA NATIONAL PROVIDENT
FUND REGULATIONS
*Regulations by the Minister***

***Statutory
Instruments
269 of 1970
18 of 1971***

PART I

PRELIMINARY

1. These Regulations may be cited as the Zambia National Provident Fund Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"account number" means an account number allotted under regulation 6;

"attesting witness" includes a labour officer, a social welfare officer, a public officer in the administrative grade, a minister of religion, a legal practitioner, a bank manager, a qualified medical practitioner, a commissioner for oaths and, exceptionally, such other person as the Director may approve for the purpose;

"Fund Office" means the head office of the Board or any district office established by the Board;

"inspector" means any person who is appointed an inspector under section *nine* of the Act;

"member" means a person registered as such under the provisions of regulation 7, and includes a Member as defined in the Act;

"social security number" means the number allotted as such by the Director under the provisions of regulation 9;

"termination of employment" means the day on which the employment actually comes to an end, whether or not such termination is in accordance with the terms of the contract, and whether or not the employment is to be resumed at a later date.

PART II

REGISTRATION OF EMPLOYERS AND IDENTIFICATION OF EMPLOYEES

3. An employer who is required to register under section *ten* of the Act shall forward to the Director in writing the following: Registration of employers

(a) full particulars of-

ii(i) his name, the nature of his business, and his trader's licence (if any);

i(ii) the address where his business is carried on, his postal address telephone number;

(iii) the number of his employees; and

(iv) any branches of the business, if the business is organised in branches (shops, departments, etc.), which have separate arrangements for paying wages; and

(b) a declaration signed by him in the following form:

"I declare that the information given above is correct to the best of my knowledge and belief.

Signature

Date

Designation or official status

..... "

4. Every registered employer shall inform the Director of the occurrence of any of the following events, not later than fourteen days after the event, that is to say:

Change of
circumstances

- (a) if he changes his address;
- (b) if he changes his business name or designation;
- (c) if a branch of his business, which has been separately registered, is closed;
- (d) if a new branch of his business, which is due to be separately registered, is opened; or
- (e) if he ceases to be an employer.

5. An application by a religious organisation to register under section *twelve* of the Act shall be supported in writing by full particulars of-

Religious
organisations

- (a) the name of the organisation, its account number (if already allotted) and the name and postal address of its treasurer;
- (b) the names of the ministers of religion concerned; and
- (c) a certified copy of the resolution of the organisation authorising the application.

6. The Director shall allot an account number to every registered employer.

Employer's
account number

7. (1) Every person who intends to engage in regular employment and who will, in such employment, become an eligible employee, shall apply to the Director in such manner as the Director shall specify for registration as a member of the Fund and obtain a membership card or provisional registration card.

Registration of
employee

(2) Every member of the Fund at the *commencement of these Regulations shall be deemed to have applied for registration in accordance with this regulation, and the Director shall issue a membership card or provisional registration card.

* 23rd October, 1970.

8. (1) A membership card or provisional registration card shall be issued without charge to a person properly applying therefor and, when issued, shall remain the property of the Fund. Membership card

(2) A membership card of an eligible employee shall be in the form set out in the First Schedule.

(3) A provisional registration card shall be in the form set out in the Second Schedule.

9. The Director shall allot a social security number to every member of the Fund. Social security number

10. (1) A person, on obtaining a membership card or provisional registration card, shall be responsible for its custody unless or until it is delivered to an employer or a Fund Office, or retained by an inspector. Employee responsible for card

(2) Every eligible employee, on first commencing employment with an employer, must produce to his employer his membership card or provisional registration card, or furnish such particulars as the employer may require for the purpose of compliance with the provisions of the Act.

11. (1) The employer, on obtaining the membership card or provisional registration card, shall become responsible for the custody thereof so long as the employment continues or until the membership card or provisional registration card is returned to the member or delivered to a Fund Office or retained by an inspector in accordance with these Regulations or any other regulations made under the Act. Custody of cards

(2) The employer or any other person for the time being responsible for

the custody of the membership card or provisional registration card in accordance with these Regulations, or any person having in his possession or under his control any membership card or provisional registration card issued in respect of an eligible employee, shall produce it for inspection at any reasonable time when required to do so by the Secretary or by an inspector, who may, if he thinks fit, retain it. The Secretary or the inspector shall give a receipt for any membership card or provisional registration card so retained by him.

* 23rd October, 1970.

12. Every employer responsible for the custody of the membership card or provisional registration card in accordance with these Regulations shall permit the person to whom it relates to have access to such card for the purpose of obtaining any details thereon:	Member's right of access to card
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------

Provided that no member of the Fund shall be entitled by virtue of this provision to inspect his membership card or provisional registration card more than once in any one month nor except at such time within or immediately before or after working hours as may be fixed by the employer for the purpose.

13. (1) Subject as hereinafter provided in these Regulations, the employer shall, on the termination of the employment, forthwith return the membership card or provisional registration card to the member to whom it relates:	Disposal of card
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------

Provided that where the employment is terminated by the member without any notice or intimation to the employer, the membership card or provisional registration card shall be returned to the member or, where this is impracticable, to a Fund Office, within fourteen days of the termination of employment.

(2) The member, on the termination of his employment, shall apply to the employer for the return of his membership card or provisional registration card, and, on the card being returned to him, shall give to the employer, if he demands it, a receipt for the card.

(3) If for any reason other than the loss or destruction of the card, the membership card or provisional registration card is not returned to the

member on the termination of his employment in accordance with sub-regulation (1), the employer shall, within fourteen days, send the card to a Fund Office.

(4) On the death of a member, any membership card or provisional registration card in the custody of an employer or any other person having possession or thereafter obtaining possession of the deceased member's card, shall forthwith send it to a Fund Office.

14. Where a membership card or provisional registration card of any member is destroyed or lost or is defaced in any material particular, the employee shall apply to the Secretary for a new card, and the Secretary, on being satisfied as to such destruction, loss or defacement, shall issue a new card:	Lost or destroyed cards
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

Provided that where a membership card or provisional registration card is in the custody of an employer at the time it is destroyed, lost or so defaced, it shall be the duty of the employer forthwith to report the destruction, loss or defacement of the card to a Fund Office and to the member so that he may comply with the provisions of this regulation.

15. Any person who finds a membership card or provisional registration card shall forthwith deliver it to some responsible officer at a police station, employment exchange, post office or a Fund Office.	Found cards
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------

16. A person who has a membership card or provisional registration card containing any particulars which are to his knowledge incorrect shall forthwith inform a Fund Office so that a fresh membership card or provisional registration card may be issued in lieu thereof.	Incorrect card
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

17. No person shall deface or destroy any membership card or provisional registration card, or, save as authorised by the Director, alter, amend or erase any of the figures or particulars therein contained.	Prohibition of defacing or destroying of cards
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------

18. A person who has in his possession a membership card or provisional registration card except as provided by these Regulations shall forthwith send it to a Fund Office.	Incorrect possession of card
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------

19. A person who has in his possession more than one membership card or provisional registration card relating to the same person shall forthwith inform the Director.

Possession of more than one card

PART III

CONTRIBUTIONS

20. Every contributing employer shall maintain a record showing-

Records to be kept by contributing employers

(a) in respect of each eligible employee whom he has engaged-

ii(i) the social security number allotted in accordance with regulation 9;

i(ii) the dates on which the employment commences and terminates;

(iii) the date and amount of each payment of wages to the employee;

(iv) the amount of each statutory contribution due in respect of the employee; and

(v) the amount deducted from any payment of wages by way of an employee's share of a statutory contribution;

(b) in respect of each casual employee whom he has engaged-

(i) the days during which the employee is employed; and

(ii) the date and amount of each payment of wages to the employee; and

(c) the date and amount of each payment he makes to the Fund by way of contributions under the Act.

21. Every contributing employer shall forward to the Director each month, together with the contributions payable under sections *sixteen*

Monthly return to be made by

and *seventeen* of the Act, a return showing the following:

contributing
employers

(a) full particulars of-

(i) the month to which the return relates;

(ii) the employer's name, postal address and account number;

(iii) the names of all eligible employees employed by him during the month and the social security number of each of them;

(iv) employees who commenced employment during the month;

(v) the total wages paid to each employee, and the total statutory contributions due in respect of each employee, for contribution periods ending during the month; and

(vi) the total wages paid to casual employees during the month and the special contribution due in respect of such payment; and

(b) a certificate signed by him and completed in the following form:

"I certify that the amount of wages paid and the amounts of contributions payable by me under the Zambia National Provident Fund Act, as set out on the attached return, are correct.

Signature

Date

Employer's official stamp....."

22. An application by a member to contribute to the Fund under section *twenty-one* of the Act shall be supported in writing by full particulars of-

Member
contributing on
his own behalf

(a) his name, postal address and social security number;

(b) the name, postal address and (if known to him) account number of his last employer, and the date the employment ceased; and

(c) wages received, and the employee's share deducted for the last contribution period in his previous employment.

23. (1) Where an employee is regularly employed by two or more employers during the same contribution period, the Director may, on application by those employers and the employee, direct that the statutory contributions payable in respect of the employee for that period shall be reduced, in such proportion as the Director may think fit, so that in total they do not exceed the statutory contribution which would have been payable if the employee's wages during that period had been received from one contributing employer, and that the employee's share shall be correspondingly reduced.

Employment by two or more employers

(2) For the purposes of this regulation, a person shall not be deemed to have been regularly employed by any two employers unless he has been employed by each of them during at least two days in each week of any four consecutive weeks.

(3) Where any statutory contribution which is the subject of a direction under sub-regulation (1) has already been paid, the Director shall, subject to the provisions of regulation 26, refund the appropriate amount of that contribution.

24. All contributions to the Fund shall be paid-

Payment of contributions

- (a) by money order, postal order or cheque drawn on any bank in Zambia, delivered or sent by post to the head office of the Fund;
- (b) by cash at a Fund Office; or
- (c) in such manner as the Director may from time to time authorise in any particular case.

25. Where the Director is satisfied that any amount has been paid to the Fund in excess of the amount which was due to be paid, he may, subject to the provisions of regulation 26, refund the amount so paid to the person by whom it was paid.

Contributions made in error

26. (1) No refund shall be made except with the consent of the Director, who may require the person by or in respect of whom the relevant payment was made to make a written application for refund and to furnish such other information as the Director may require to determine the circumstances in which the payment was made and the amount to be refunded.

Making of refunds

(2) No refund shall be made of any amount which, having been credited to the account of a member in the Fund, has been withdrawn as benefit, and any such benefit shall be deemed to have been properly paid.

(3) If any debt is due to the Fund by the person to whom a refund would otherwise be paid, the Board may retain the whole or any part of the amount to be refunded and set it off against the debt.

(4) Where any amount to be refunded is in respect of a payment made by way of statutory contribution to the Fund, the Director may, if he is satisfied that a deduction has been made from the wages of any employee by way of the employee's share of that contribution, reduce the amount to be refunded by the amount of that deduction and repay the amount of the deduction to the employee.

(5) Where any amount to be refunded has been in the Fund throughout the whole of a financial year, that amount shall be increased by adding thereto interest at the rate fixed by the Board for accounts of members in respect of that financial year.

PART IV

BENEFIT

27. A claim by a member for benefit shall be made to a Fund Office or other office designated by the Board for this purpose and shall be supported in writing by the following:

Claim by
member for
benefit

(a) full particulars of-

(i) the member's name, social security number, national registration number, year of birth, postal address and residential address;

(ii) the grounds of the application and the conditions which the member claims to satisfy as justifying his claim; and

(iii) any supporting documents bearing on the member's age and

retirement, disability or emigration; and

(b) a declaration signed by the member and completed in the following form:

"I hereby declare that the particulars in support of this claim are correct to the best of my knowledge and belief.

Signature

Date

Signature of attesting witness and designation

..... "

28. A claim by any person for benefit payable upon the death of a member shall be made to a Fund Office or other office designated by the Board for this purpose and shall be supported in writing by the following:

Claim for benefit after death of a member

(a) full particulars of-

(i) the claimant's name, national registration number (if any), postal address and residential address;

ii) the name, social security number and date of death of the member;

(iii) the conditions which the applicant claims to satisfy as justifying his claim; and

(iv) any supporting documents bearing on the member's death, or the applicant's relationship to the member or status as a dependant; and

(b) a declaration signed by the claimant and completed in the following form:

"I hereby declare that the particulars in support of this claim are correct to the best of my knowledge and belief.

Signature

Date

Signature of attesting witness and designation

..... "

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 29. The Director may require such further evidence of identity and of entitlement as is in his opinion necessary to substantiate the claim for benefit, including production by the applicant of his national registration card. | Further evidence |
| 30. The Director may require any member whose application for benefit is based on mental or physical disability to attend for medical examination by a registered medical practitioner and may use the report of any such examination as evidence in deciding the claim for benefit. | Medical examination |
| 31. The Director may require any person who has made an application for benefit to make a statutory declaration as to the truth of any statement of fact made by him in his application or in connection therewith. | Statutory declaration |

PART V

MISCELLANEOUS

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 32. Payments from the Fund shall be made in cash or by cheque. | Form of payment |
| 33. Any document used in connection with the Fund which requires a person's signature may be signed with his written signature or, if he is unable to write, with his mark and shall, where the document so requires, be authenticated by the signature of an attesting witness. | Signing of documents |
| 34. Every employee shall furnish to his employer any information, and produce any document, necessary for the completion of forms or returns | Duty of employees |

required by these Regulations to be made by his employer.

35. If, in the opinion of the Director, any document containing information required to be furnished under these Regulations is incomplete or inaccurate or is insufficiently clear for its purpose, he may return the document to the sender; and the sender shall comply with all lawful directions given to him and shall complete and deliver a fresh document in its place, or return the original document duly corrected, as the case may require.

Incomplete or inaccurate documents

36. (1) There shall be transferred to the Reserve Account any amount standing to the credit of a member in the Fund in respect of whom no contributions have been received for five years after he appears from the records to have attained the age of sixty years and in respect of which no claim for benefit has been received before the end of that period.

Transfer to the Reserve Account

(2) Any amount which is in the Reserve Account may be paid to any person who can establish a valid claim thereto within a period of five years from the date of its transfer to the Reserve Account, provided he gives such indemnity to the Fund as the Board may require.

(As amended by Act No. 18 of 1971)

37. In the case of an employee whose wages consist of remuneration falling within two or more of the categories contained in the definition of wages in section *two* of the Act, the Director may at his discretion treat the amounts falling within one only, or two or more, of those categories as the wages of that employee.

Classification of wages

FIRST SCHEDULE

(Regulation 8 (2))

ZAMBIA NATIONAL PROVIDENT FUND

MEMBERSHIP CARD

N P F	National Registration	Year of Birth
MEMBERSHIP CARD	183275/11/1	1925
BANDA JOHN	Temporary Registration	
	305576/01/0	1925
121 347 174	189525/02/0	1925
The Number shown above is your social Security Number and your Account Number in the National Provident Fund.		
Please give this card to your employer when you start a new job.		NPF Ref. No.

SECOND SCHEDULE

(Regulation 8 (3))

ZAMBIA NATIONAL PROVIDENT FUND

PROVISIONAL REGISTRATION CARD

N P F		NPF.11C	
PROVISIONAL REGISTRATION CARD			
Give this card to your employer so that		Surname	
he can send your contribution		First Name	
to the Fund using		Membership No.	
your Social Security Number,		<div></div>	
which is your account number		National Registration	
in the National Provident Fund.		No. / /	
		Year of	
		Birth	