



TANZANIA INSURANCE REGULATORY AUTHORITY

MAMLAKA YA USIMAMIZI WA BIMA TANZANIA

**GUIDELINES ON RETENTION AND REINSURANCE
MANAGEMENT**

**MIONGOZO YA USIMAMIZI WA UBAKIZAJI WA BIMA NA
BIMA MTAWANYO**

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SECTION ONE: INTRODUCTION		SEHEMU YA KWANZA: UTANGULIZI	
1.1 Authorization and Powers	These Guidelines are issued pursuant to Section 31(1)(2)(3), 6(2)(e) and 11(a)(b) of the Insurance Act Cap. 394 which mandate the Authority to formulate standards in the conduct of the business of insurance to be observed by insurance Registrants.	1.1 Idhini na Mamlaka	Miongozo hii imetolewa kwa mujibu wa Kifungu cha 31(1)(2)(3), 6(2)(e) na 11(a)(b) cha Sheria ya Bima Sura Na. 394 ambacho kinaelekeza Mamlaka kuweka vigezo vya uendeshaji wa shughuli za bima ambavyo vitatakiwa kuzingatiwa na watoa huduma za bima.
1.2 Citation	These Guidelines may be cited as “ <i>Guidelines on Retention and Reinsurance Management, 2023</i> ”	1.2 Nukuu	Miongozo hii itafahamika kama “ <i>Miongozo ya Usimamizi wa Ubakizaji wa Bima na Bima Mtwanyo, 2023</i> ”
1.3 Background and Rationale	<p>1.3.1 Reinsurance is an important practice available to an insurer and reinsurer as it can be used to reduce the volatility of financial results; stabilize solvency; make more efficient use of capital; allow an insurer to better withstand catastrophic events; increase underwriting capacity; and draw on reinsurers’ expertise. However, Inadequate reinsurance practices can materially affect an insurer’s financial condition, reputation and jeopardize policyholder security.</p> <p>1.3.2 Issuance of these Guidelines is a response to the need to enhance retention and reinsurance practices within the industry which include, but not limited to, the following aspects:</p>	1.3 Usuli na Mantiki	<p>1.3.1 Bima mtawanyo ni utaratibu muhimu uliopo kati ya kampuni za bima na bima mtawanyo ambao unaweza kutumika kupunguza ubadilikaji wa matokeo ya kifedha; uimarishaji wa ukwasi; kuwezesha matumizi ya tija ya mitaji; kuwezesha kampuni za bima kushughulikia majanga makubwa; kuongeza uwezo wa kuandikisha bima; na kuongeza utaalamu wa bima mtawanyo. Hata hivyo, upungufu wa matumizi ya bima mtawanyo unaweza kuathiri hali ya kifedha ya kampuni ya bima na kuhatarisha usalama wa mbima.</p> <p>1.3.2 Utoaji wa Miongozo hii ni mwitikio wa mahitaji ya soko kuhusiana na utaratibu wa ubakizaji wa bima na bima mtawanyo katika tasnia ya bima ambayo inajumuisha maeneo yafuatayo:</p>

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	<ul style="list-style-type: none"> (i) The need to improve retention through participation of locally registered insurers and reinsurers in co-insurance and reinsurance arrangements; (ii) To enhance technical capacity on reinsurance matters; (iii) To guide appropriately risk externalization procedures; (iv) To establish a framework for accreditation of foreign reinsurance companies and reinsurance brokers which seek to operate in the local market; and (v) To improve disclosure and transparency in the reinsurance practices. <p>1.3.3 These Guidelines have taken into consideration the requirements of ICP 13 on Reinsurance and other forms of risk transfer issued by the International Association of Insurance Supervisors.</p> <p>1.3.4 These Guidelines, therefore, seek to guide the insurance industry conduct and practices in reinsurance, retention and management of specialized risks.</p>		<ul style="list-style-type: none"> (i) Kuboresha ubakizaji wa bima kwa njia ya ushirikishaji wa kampuni za bima na bima mtawanyo zilizosajiliwa nchini; (ii) Kuongeza utaalumu wa masuala ya bima mtawanyo; (iii) Kuweka muongozo stahiki wa utaratibu wa kupeleka bima nje ya nchi; (iv) Kuweka mfumo wa utoaji wa ithibati wa kampuni za bima mtawanyo na washauri wa bima mtawanyo wa kigeni wanachitaji kufanya kazi katika soko la bima nchini; na (v) Kuboresha utoaji wa taarifa na uwazi katika uendeshaji wa bima mtawanyo. <p>1.3.3 Miongozo hii imezingatia matakwa ya ICP 13 juu ya kuhusu bima mtawanyo na uhamishaji wa aina nyingine za vihatarishi zinazotolewa na muungano wa kimataifa wa wasimamizi wa bima.</p> <p>1.3.4 Hivyo, Miongozo hii inalenga kuelekeza mwenendo wa tasnia ya bima kuhusiana na bima mtawanyo, ubakizaji wa bima na usimamizi wa aina maalum za bima.</p>
1.4 Application and Scope	1.4.1 These Guidelines apply to all operations relating to reinsurance business, retention and Specialized Risks Management.	1.4 Matumizi na Mawanda	1.4.1 Miongozo hii itatumika kwa shughuli zote zinazohusiana na biashara ya bima mtawanyo, ubakizaji na usimamizi wa aina maalum za bima.

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	<p>1.4.2 These Guidelines shall apply to:</p> <ul style="list-style-type: none"> i. Registrants licensed by the Authority to provide insurance services; ii. Accredited foreign reinsurance companies and reinsurance brokers; and iii. Other relevant public and private stakeholders requiring reinsurance services. 		<p>1.4.2 Miongozo hii itawahusu:</p> <ul style="list-style-type: none"> i. Taasisi zilizosajiliwa na Mamlaka kutoa huduma za bima; ii. Kampuni za bima mtawanyo na washauri wa bima mtawanyo wa nje ya nchi waliopewa ithibati na Mamlaka; na iii. Wadau kutoka Taasisi za Umma na binafsi wanaohitaji huduma za bima mtawanyo.
1.5 Purpose and Objectives	<p>1.5.1 The main purpose of these Guidelines is to establish a framework for retention, reinsurance and management of specialized risks in the insurance industry.</p>	1.5 Madhumuni na Malengo	<p>1.5.1 Madhumuni ya Miongozo hii ni kuweka utaratibu wa ubakizaji wa bima, bima mtawanyo na usimamizi wa aina maalum za bima katika tasnia ya bima.</p>
	<p>1.5.2 The specific objectives of these Guidelines are;</p> <ul style="list-style-type: none"> i. To guide the conduct and practices of insurers in reinsurance arrangements and transactions; ii. To enhance the financial and technical capacity in the underwriting of risks; iii. To protect and enhance local reinsurance capacity; and iv. To provide a general guidance to the insurance industry on how to manage Specialized risks. 		<p>1.5.2 Malengo mahususi ya Miongozo hii ni:</p> <ul style="list-style-type: none"> i. Kuweka utaratibu wa uendeshaji wa shughuli na mpangilio wa bima mtawanyo; ii. Kuwezesha na kuunganisha uwezo wa kifedha na kitaalam katika uandikishaji wa vihatarishi; iii. Kulinda na kuongeza uwezo wa soko la bima mtawanyo nchini; na iv. Kutoa mwongozo kwa tasnia ya bima wa namna ya kusimamia aina maalum za bima.

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<p>1.6 Interpretations and accronyms</p>	<p>In these Guidelines, unless the context requires otherwise the following words shall mean: -</p> <p>“Act” means the Insurance Act Cap. 394;</p> <p>“Authority” means the Tanzania Insurance Regulatory Authority (TIRA);</p> <p>“Commissioner” means the Commissioner of Insurance appointed under Section 7 of the Insurance Act;</p> <p>“Cedant” means an insurer who enters into a reinsurance arrangement with a reinsurer;</p> <p>“Co-insurance” means the sharing of risk, on the same terms between two or more insurance companies;</p> <p>“Consortium” means an association of two or more insurance companies approved by the Authority for the purposes of insuring specialized risks;</p> <p>For the purpose of these Guidelines the use of Insurance Consortium shall also mean “Insurance pools”.</p> <p>“Facultative reinsurance” means reinsurance of individual risks by offer and acceptance where the insurer/reinsurer retains the right to accept or reject each risk offered;</p>	<p>1.6 Tafsiri na vifupisho</p>	<p>Katika Miongozo hii, isipokuwa muktadha ukielekeza vinginevyo maneno yafuatayo yatamaanisha: -</p> <p>“Sheria” maana yake ni Sheria ya Bima Sura ya 394;</p> <p>“Mamlaka” maana yake ni Mamlaka ya Usimamizi wa Bima Tanzania (TIRA);</p> <p>“Kamishna” maana yake ni Kamishna wa Bima aliyeteuliwa chini ya Kifungu cha 7 cha Sheria ya Bima;</p> <p>“Mtawanya bima” maana yake ni kampuni ya bima inayotawanya vihatarishi kwa kampuni inayopokea vihatarishi;</p> <p>“Bima shirikishi” maana yake ni kugawana vihatarishi, kwa masharti sawa kati ya kampuni mbili za bima au Zaidi;</p> <p>“Konsotia” maana yake ni Muungano wa kampuni mbili au zaidi za bima ulioidhinishwa na Mamlaka kwa lengo la kutoa kinga za aina maalum za bima;</p> <p>Katika Miongozo hii matumizi ya neno Konsotia yatamaanisha pia “Pool”</p> <p>“Bima mgawanyo” maana yake ni mpango maalum wa kugawana vihatarishi kwa kuzingatia ombi moja moja kati ya kampuni za bima au bima mtawanyo kwa kupokea au kwa kutoa ambapo kampuni zina haki ya kukubali au kukataa;</p>

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<p>“Fronting Arrangement” means the practice where insurer cedes 100% of the risk exposure to an insurer or reinsurer;</p> <p>“Insurer” has the same meaning as ascribed in the Insurance Act;</p> <p>“Local Capacity” means the aggregate capacity of all locally registered insurers and reinsurers to insure any individual risk;</p> <p>“Mega project” means a large-scale investment project which shall have a value of not less than Tshs. 100 billion and involve multiple public and private stakeholders;</p> <p>“Reinsurance” means a financial transaction by which risk is transferred (ceded) from an insurance company (cedant) to a reinsurance company in exchange of reinsurance premium;</p> <p>“Reinsurer” means an insurer assuming the risk of another insurer under a reinsurance contract;</p> <p>“Retention” means the net amount of risk which the ceding company keeps in its own account;</p> <p>“Retrocession” means the reinsurance of reinsurance.</p>	<p>“Mpango wa bima mhamisho” maana yake ni mpango wa uhamishaji wa vihatarishi kwa 100% unaofanywa na kampuni ya bima kwenda kwa kampuni ya bima au bima mtawanyo;</p> <p>“Kampuni ya bima” maana yake ni kama ilivyotafsiriwa kwenye Sheria ya bima;</p> <p>“Uwezo wa ndani” maana yake ni uwezo wa jumla wa kampuni za bima na bima mtawanyo zilizosajiliwa nchini wa kuinga kihatarishi chochote;</p> <p>“Mradi mkubwa” maana yake ni mradi wa uwekezaji ambao utakuwa na thamani isiyopungua bilioni 100 za kitanzania na kuhusisha wadau wengi wa umma na binafsi;</p> <p>“Bima mtawanyo” maana yake ni shughuli za kifedha ambazo vihatarishi huhamishwa (kutawanywa) kutoka kwa kampuni ya bima (mtawanya) hadi kampuni ya bima ya mtawanyo baada ya malipo ya ada ya bima mtawanyo;</p> <p>“Kampuni ya bima mtawanyo” maana yake ni kampuni ya bima inayopokea vihatarishi vya kampuni ya bima chini ya mkataba wa bima mtawanyo;</p> <p>“Ubakijazi wa bima” maana yake ni kiasi halisi cha vihatarishi ambacho kampuni inayotawanya hubakiza kwenye vitabu vyake;</p>

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<p>“Consultant” means a technical consultant on specialized risks insurance;</p> <p>“Leader” means the Lead insurer as appointed by the General Assembly of the Consortium;</p> <p>“Manager” means insurance company or reinsurance company or any other entity approved by the Authority as the Administrative Manager of the Consortium;</p> <p>“Specialized Risks” means risks with unique exposures such that they require specialized handling by an underwriting operation specifically set up for that purpose; e.g., energy risks;</p> <p>“Treaty” means reinsurance agreement between the ceding company and the reinsurer in respect of reinsurance of defined class or classes of business;</p> <p>“TIRAMIS” means TIRA Management Information Systems;</p> <p>“Insurance Pool” means a group of insurers or reinsurers through which particular types of risks are underwritten with premium, losses and expenses shared in agreed ratios;</p>	<p>“Mtawanyo wa bima mtawanyo” maana yake ni bima inayotolewa kwa kampuni ya bima mtawanyo.</p> <p>“Mshauri mwelekezi” maana yake ni mshauri wa masuala ya bima katika aina ya bima maalum;</p> <p>“Kampuni kiongozi” maana yake ni kampuni ya bima iliyochaguliwa katika Mkutano Mkuu wa Konsotia;</p> <p>“Hatari Maalum” maana yake ni vihatarishi vyaa kipekee vinavyohitaji utunzaji na uandikishaji maalum na operesheni ya uandikishaji iliyoundwa mahsudi kwa kusudi hilo. Mfano vihatarishi vya gesi na mafuta;</p> <p>“Meneja” maana yake ni kampuni ya bima au bima mtawanyo au taasisi nyingine yoyote iliyoidhinishwa na Mamlaka kama Msimamizi wa Utawala wa Konsotia;</p> <p>“Mkataba wa bima mtawanyo” maana yake ni makubaliano kati ya mtawanya na kampuni ya bima mtawanyo juu ya bima mtawanyo ya madaraja husika ya biashara ya bima;</p> <p>“TIRAMIS” maana yake ni mfumo wa TIRA wa kusimamia taarifa za bima;</p> <p>“Kapu la Bima” maana yake ni muunganiko wa kampuni za bima au bima mtawanyo ambapo aina maalum za vihatarishi huandikishwa kwa ada ya bima, hasara na gharama hushirikishwa katika uwiano uliokubaliwa;</p>

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2.1 Treaty arrangements	<p>2.1.1 Without prejudice to Sec. 79 of the Act:</p> <ul style="list-style-type: none"> i. all non-life reinsurance treaty arrangements shall be placed with locally registered reinsurers by not less than 30% excluding mandatory cessions; ii. all life reinsurance arrangements shall be placed with locally registered reinsurers; and iii. without prejudice to clause 2.1.1 (ii) above an insurer may enter into long-term reinsurance arrangement outside Tanzania, subject to prior approval from the Commissioner of Insurance. <p>2.1.2 The Drafts of all reinsurance treaties dully approved by respective Board of Directors of the insurer shall be submitted to the Authority not later than 30th September of each year for preliminary review.</p>	2.1 Mikataba ya bima mtawanyo	<p>2.1.1 Bila kuathiri Kifungu namba 79 cha Sheria ya bima:</p> <ul style="list-style-type: none"> i. mikataba ya bima mtawanyo yote itafanywa na kampuni za bima mtawanyo zilizosajiliwa nchini kwa kiwango kisichopungua asilimia 30 isipokuwa bima mtawanyo za lazima; ii. makubaliano yote ya bima mtawanyo za maisha yatafanywa na kampuni za bima mtawanyo zilizosajiliwa nchini; na iii. bila kuathiri ibara ya 2.1.1 (ii) hapo juu, kampuni ya bima inaweza kuingia mkataba wa bima mtawanyo kwa biashara za muda mrefu (bima za maisha) nje ya Tanzania, kwa kupata idhini ya awali ya Kamishna wa Bima. <p>2.1.2 Rasimu zote za mikataba ya bima mtawanyo zilizo idhinishwa na Bodi ya Wakurugenzi wa Kampuni husika zitawasilishwa kwa Mamlaka kabla ya tarehe 30 Septemba ya kila mwaka kwa mapitio ya awali.</p>

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<p>2.1.3 The Draft treaties referred to under clause 2.1.2 shall be accompanied by a report on the utilization of the reinsurance capacity under the existing reinsurance treaties in the manner and format prescribed by the Authority.</p> <p>2.1.4 All finalized reinsurance treaties shall be submitted not later than 30th November each year for review and approval by the Authority.</p> <p>2.1.5 Insurers / Reinsurers shall submit statements of account regarding proportional, non-proportional balances as well as settlement of cash call.</p> <p>2.1.6 A list of documentations needed for remittance of Minimum and deposit premium as well as Premium adjustments shall include an addition of workings.</p>	<p>2.1.3 Rasimu ya mikataba ya bima mtawanyo iliyorejewa chini ya kifungu 2.1.2 itaambathishwa na taarifa ya matumizi ya uwezo wa bima mtawanyo chini ya mikataba iliyopo ya bima mtawanyo kwa namna na muundo uliowekwa na Mamlaka.</p> <p>2.1.4 Mikataba yote ya bima mtawanyo iliyokamilishwa itawasilishwa kabla ya tarehe 30 Novemba kila mwaka kwa mapitio na kuidhinishwa na Mamlaka.</p> <p>2.1.5 Kampuni za bima na bima mtawanyo zitawasilisha taarifa za hesabu kuhusu bakaa la mikataba ya bima zenye uwiano na zisizo na uwiano pamoja na marejesho ya pesa taslimu zilizokopwa.</p> <p>2.1.6 Orodha ya nyaraka zinazohitajika kwa utumaji wa Amana ya kima cha chini cha ada ya bima pamoja na marekebisho ya ada ya bima yatajumuisha nyongeza ya hesabu.</p>

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	<p>2.1.7 Insurers are obliged to deduct premium levies at the rate of 1.5 % of applicable reinsurance premiums including minimum and deposit premiums, adjustment to minimum and deposit premium, reinstatement premium, and adjustment to reinstatement premium.</p>		<p>2.1.7 Kampuni za bima zitalazimika kupunguza tozo ya ada ya bima kwa kiwango cha asilimia 1.5% ya malipo ya ada za bima mtawanyo zikijumuisha malipo ya Amana ya kima cha chini cha ada ya bima, marekebisho ya malipo ya Amana ya kima cha chini cha ada ya bima, malipo ya kurejesha ada ya bima, na marekebisho ya malipo ya kurejesha ada ya bima ya awali.</p>
<p>2.2 Submission of Quarterly Treaty Accounts</p>	<p>2.2.1 Insurers and reinsurers shall submit to the Authority Quarterly Treaty Reinsurance Statements in a manner and format prescribed by the Authority.</p> <p>2.2.2 The statements referred to under 2.2.1 must be submitted alongside the quarterly filings for the relevant period and must form part of the quarterly returns filings already in use, pursuant to Section 40 of the Insurance Act.</p> <p>2.2.3 All requests for remittance of treaty reinsurance balances for a particular period shall</p>	<p>2.2 Uwasilishaji wa Hesabu za Mikataba ya bima ya Kila Robo mwaka</p>	<p>2.2.1 Kampuni za bima na bima mtawanyo zitawasilisha kwa Mamlaka taarifa za Mikataba za bima mtawanyo za kila robo mwaka kwa mfumo na utaratibu uliowekwa na Mamlaka.</p> <p>2.2.2 Taarifa zilizotajwa kwenye kifungu 2.2.1 lazima ziwasilishwe pamoja na taarifa za kila robo mwaka kwa kipindi husika na lazima ziwe sehemu ya taarifa ya ritani za kila robo mwaka ambayo tayari inatumika, kwa mujibu wa Kifungu cha 40 cha Sheria ya Bima.</p> <p>2.2.3 Maombi yote ya ulipaji wa bakaa za bima mtawanyo kwa kipindi husika yataonyeshwa katika</p>

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	be reflected in the reinsurance statements required under this Clause. All requests for remittance of treaty reinsurance balances shall not be considered in the absence of appropriate reinsurance statements.		taarifa za bima mtawanyo zinazohitajika chini ya Kifungu hiki. Maombi ya ulipaji wa bakaa za bima mtawanyo hazitaidhinishwa ikiwa taarifa sahihi za bima mtawanyo hazitawasilishwa.
2.3 Reinsurance Tiers	<p>2.3.1 Without prejudice to Sec 79 and Sec 84 of the Act, Reinsurers in the Tanzania Reinsurance market shall be categorized in two tiers:</p> <ul style="list-style-type: none"> i. Tier one Reinsurers: all reinsurers and/or Consortia locally registered under the Insurance Act; and ii. Tier two Reinsurers: all reinsurers operating in Tanzania under Host Government Agreement. <p>2.3.2 Tier one reinsurers shall have the first right of refusal for any placement of risks.</p>	2.3 Madaraja ya bima mtawanyo	<p>2.3.1 Bila kuathiri vifungu Na. 79 na 84 vya Sheria ya bima, Kampuni za bima mtawanyo zimegawanywa katika madaraja mawili:</p> <ul style="list-style-type: none"> i. Daraja la kwanza: kampuni zote za bima mtawanyo na/au Konsotia zilizo sajiliwa chini ya Sheria ya bima; na ii. Daraja la pili: kampuni zote za bima mtawanyo zinazofanya kazi nchini Tanzania chini ya mkataba wa uwenyeji uliotolewa na serikali. <p>2.3.2 Kampuni za bima mtawanyo za daraja la kwanza zitapewa haki ya kwanza ya kukubali vihatarishi.</p>

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	<p>2.3.3 Tier two reinsurers shall participate in the reinsurance business after exhaustion of the capacity of the Tier one reinsurers in the market.</p> <p>2.3.4 The locally accredited entities shall participate in the reinsurance business after exhaustion of the capacity of Tier one and Tier two reinsurers.</p>		<p>2.3.3 Kampuni za bima mtawanyo za daraja la pili zitashiriki kwenye biashara ya bima mtawanyo baada ya kumalizika kwa uwezo wa kampuni za bima mtawanyo za daraja la kwanza.</p> <p>2.3.4 Kampuni zilizopewa ithibati zitashiriki kwenye biashara ya bima mtawanyo baada ya kumalizika uwezo wa Kampuni za bima mtawanyo za daraja la kwanza na la pili.</p>
2.4 Externalization of risks (Facultative arrangement)	<p>2.4.1 All externalization of facultative risks shall be effected through:</p> <ol style="list-style-type: none"> i. Tier one reinsurers; ii. Tier two reinsurers: and iii. Local Reinsurance Brokers may place on behalf of Tier one and Tier two reinsurers directly to foreign Reinsurance companies. 	2.4 Upelekaji wa vihatarishi nje ya nchi (Bima mgawanyo)	<p>2.4.1 Upelekaji wa vihatarishi vya bima mgawanyo nje ya nchi utafanyika kupitia:</p> <ol style="list-style-type: none"> i. daraja la kwanza la kampuni za bima mtawanyo; ii. daraja la pili la kampuni bima mtawanyo; na iii. Washauri au wataalamu wa bima mtawanyo waliosajiliwa nchini kwa kupeleka kwa niaba ya daraja la kwanza na daraja la pili la kampuni za bima mtawanyo moja kwa moja kwa Kampuni za nje za bima mtawanyo.

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<p>2.4.2 Notwithstanding clause 2.4.1, an insurer placing risk with a reinsurer shall ensure that it has exhausted the capacity of the direct insurers prior to placement.</p> <p>2.4.3 A reinsurer accepting business under 2.4.1 shall satisfy itself that the Cedant has complied with the requirement under 2.4.2 prior to accepting the business.</p> <p>2.4.4 Local reinsurers shall share risks with fellow Tier one reinsurers thereafter Tier two reinsurers and subsequent placement of risk to non-resident reinsurers.</p> <p>2.4.5 A request for risk externalization shall be accompanied with a document prescribed by the Authority filled by the insurer, that shall specify the internal process, responsible staffs and their</p>	<p>2.4.2 Bila kuathiri matakwa ya Kifungu 2.4.1, kampuni ya bima inayotawanya vihatarishi kwa kampuni ya bima mtawanyo chini ya kifungu husika hapo juu, itahakikisha kuwa imetumia uwezo wa soko la ndani kabla ya kupeleka kwa kampuni za bima mtawanyo.</p> <p>2.4.3 Kampuni ya bima mtawanyo inayokubali biashara chini ya kifungu cha 2.4.1, itajiridhisha kuwa mtawanya amezingatia matakwa yaliyoainishwa chini ya kifungu cha 2.4.2, kabla ya kukubali biashara.</p> <p>2.4.4 Kampuni za bima mtawanyo za ndani zitashirikisha kampuni nyezake za daraja la kwanza, baada ya hapo zitashirikisha kampuni za bima mtawanyo za daraja la pili kabla ya kupeleka vihatarishi nje ya nchi.</p> <p>2.4.5 Ombi la kupeleka vihatarishi nje ya nchi litaambatanishwa na waraka uliowekwa na Mamlaka utakaojazwa na kampuni ya bima, ambao utabainisha mchakato wa ndani, wafanyakazi</p>

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<p>recommendations regarding specific risks to be externalized.</p> <p>2.4.6 Any resubmission of externalization request shall undergo the process indicated in clause 2.4.1, 2.4.2, 2.4.3, 2.4.4 and 2.4.5.</p> <p>2.4.7 In case of risks whose capacity are provided in the reinsurance treaties, an insurer shall submit evidence showing that treaty leader was consulted prior to submission of the request to the Authority.</p> <p>2.4.8 A reinsurer seeking to externalize combined risks, shall submit separate policies for each class of business.</p> <p>2.4.9 Any risk originating from Tanzania shall be governed by laws of Tanzania, and the place of arbitration shall be in the United Republic of Tanzania.</p>	<p>husika na mapendekezo yao kuhusu vihatarishi mahususi zitakazopelekwa nje ya nchi.</p> <p>2.4.6 Uwasilishaji wowote wa ombi la upelekaji wa vihatarishi nje ya nchi kwa mara nyingine utapitia mchakato ulioainishwa katika kifungu cha 2.4.1, 2.4.2, 2.4.3, 2.4.4 na 2.4.5.</p> <p>2.4.7 Endapo vihatarishi ambavyo uwezo wa kuvistahimili umetolewa katika mikataba ya bima mtawanyo, kampuni ya bima itawasilisha ushahidi unaoonesha kwamba kiongozi wa mkataba wa bima mtawanyo alishirikishwa kabla ya kuwasilisha maombi kwa Mamlaka.</p> <p>2.4.8 Kampuni ya bima inayotaka kupeleka nje ya nchi vihatarishi vilivyojumuishwa, itawasilisha mkataba kwa kila aina ya bima.</p> <p>2.4.9 Vihatarishi vyote kutoka Tanzania vitasimamiwa na sheria za Tanzania, na mahali pa usuluhishi patakuwa katika Jamhuri ya Muungano wa Tanzania.</p>

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	<p>2.4.10 Notwithstanding clause 2.4.8, use of Global policies shall be subject to prior approval of the Commissioner before placement of the risk.</p> <p>2.4.11 Insurers and Reinsurers shall submit to the Authority a retention strategy dully approved by relevant Board of Directors which shall at the minimum address improvement in retention levels not later than 30th September each year.</p>		<p>2.4.10 Bila kuathiri kifungu cha 2.4.8, matumizi ya mikataba ya Kimataifa yatalazimika kupata idhini kutoka kwa Kamishna kabla ya kupeleka kwa kihatarishi.</p> <p>2.4.11 Kampuni za bima na bima mtawanyo zitawasilisha mkakati wa kubakiza vihatarishi na ulioidhinishwa kikamilifu na bodi unaobainisha ongezeko la viwango vya ubakizaji wa aina za vihatarishi kabla ya tarehe 30 Septemba ya kila mwaka.</p>
2.5 Facultative premium levy	An insurer shall pay to the Authority an administrative fee on each case approved for facultative placement outside the country equal to 1.5% of applicable gross premium or US\$ 200, whichever is higher, in addition to the statutory 1.5% premium levy prescribed in the Insurance Regulations.	2.5 Tozo ya Bima Mgawanyo	Kampuni ya bima italipa kwa Mamlaka ada ya uendeshaji kwa kila ombi lililoidhinishwa kwa upelekaji wa bima mgawanyo nje ya nchi kwa kiwango cha juu kati ya 1.5% ya ada ya bima ya jumla inayotumika au dola za Marekani 200 pamoja na tozo ya kisheria ya 1.5% ya ada ya bima iliyowekwa kwenye Kanuni za Bima.

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2.6 Exhaustion of Local Capacity	<p>2.6.1 A reinsurer and a local reinsurance broker seeking to externalize a facultative risk must demonstrate that all local insurance and reinsurance companies have been invited to participate in assuming parts of risks intended to be externalized.</p> <p>2.6.2 The reinsurer shall satisfy the Authority that it has exhausted the local capacity before externalization of risks and in this regard shall submit information in a manner prescribed by the Authority.</p>	2.6 Kutumia kwa Ukamilifu Uwezo wa Soko la ndani	<p>2.6.1 Kampuni ya bima mtawanyo na washauri au wataalamu wa bima mtawanyo wanaotaka kupeleka vihatarishi nje ya nchi inapaswa ionyeshe kwamba kampuni zote za bima na bima mtawanyo za ndani zimeshirikishwa kikamilifu katika kuchukua sehemu za vihatarishi vinavyokusudiwa kupelekwa nje ya nchi;</p> <p>2.6.2 Kampuni ya bima mtawanyo itairidhisha Mamlaka kwamba imetumia uwezo wa ndani kikamilifu kabla ya kupeleka vihatarishi nje na kwa minajili hii itawasilisha kwa Mamlaka taarifa kwa muundo ulioainishwa na Mamlaka.</p>
2.7 Separation of Accounts	<p>2.7.1 Insurer and reinsurers shall separate accounting for proportional Treaties from that of non- proportional Treaties. In this regard, proportional treaties shall be reported based on balances and shall not be offset against recoveries relating to non-proportional treaties.</p>	2.7 Kutenganisha vitabu vya Hesabu	<p>2.7.1 Kampuni ya bima na bima mtawanyo itatenganisha vitabu vya hesabu vya Mikataba ya bima mtawanyo ya uwiano na ile ya Mikataba ya bima mtawanyo isiyo na uwiano. Kwa minajili hii, mikataba ya bima mtawanyo ya uwiano itaripotiwa kulingana na bakaa na haitapunguzwa dhidi ya marejesho yanayohusiana na mikataba ya bima mtawanyo isiyo na uwiano.</p>

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<p>2.7.2 Insurers and reinsurers must ensure that reconciliation of proportional treaty balances with reinsurers are done timely and as per clauses in the treaty program and submitted to the Authority not later than three years after end of the relevant undewriting year.</p> <p>2.7.3 Insurers and reinsurers entitled to receive profit commission (adjustment) and favorable treaty balances from proportional reinsurers and recoveries from non-proportional reinsurers shall raise respective debit notes immediately after confirmation with the reinsurers as per the terms of the treaty.</p> <p>2.7.4 Facultative accounts shall be separated from Treaty accounts and shall in any case not be offset against treaty accounts.</p>	<p>2.7.2 Kampuni za bima na bima mtawanyo lazima zihakikishe kuwa ulinganifu wa bakaa kwa mahesabu ya mikataba ya bima mtawanyo ya uwiano na kampuni za bima mtawanyo unafanyika kwa wakati na kwa mujibu wa vifungu katika mpango wa mkataba wa bima mtawanyo na utawasilishwa kwa Mamlaka kabla ya miaka mitatu baada ya kumalizika kwa mwaka wa fedha husika.</p> <p>2.7.3 Kampuni za bima na bima mtawanyo zinazostahili kupokea kamisheni ya faida (marekebisho) na bakaa ya mikataba ya bima mtawanyo inayokubalika kutoka kwa Kampuni za bima mtawanyo zenye uwiano na marejesho kutoka kwa kampuni za bima mtawanyo zisizo na uwiano watapeleka ankara za malipo husika mara baada ya kuthibitishwa na kampuni za bima mtawanyo kwa mujibu wa masharti ya mkataba wa bima mtawanyo.</p> <p>2.7.4 Akaunti za bima mgawanyo zitatenganishwa na akaunti za Mikataba ya bima mtawanyo na kwa vyovyote vile hazitapunguzwa dhidi ya akaunti za mikataba ya bima mtawanyo.</p>

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	2.7.5 The insurers and reinsurers shall maintain records relating to reconciliations for proportional treaty balances, premium adjustments, facultative accounts and recoveries on non-proportional treaties.		2.7.5 Kampuni za bima na bima mtawanyo zitatunza kumbukumbu zinazohusiana na ulinganifu wa bakaa za uwiano wa mikataba ya bima mtawanyo, marekebisho ya malipo ya ada za bima za awali, hesabu za bima mgawanyo na marejesho ya mikataba ya bima mtawanyo isiyo ya uwiano.
2.8 Uploading risks to TIRA-MIS	Insurers must ensure that each risk for externalization is uploaded on TIRAMIS. Any request for approval of externalization of any risk which is not uploaded on TIRAMIS shall not be attended.	2.8 Kupakia vihatarishi kwenye TIRA-MIS	Kampuni za bima lazima zihakikishe kwamba vihatarishi vya kupeleka nje ya nchi vinapakiwa kwenye mfumo wa TIRAMIS. Ombi lolote la kuidhinisha upelekaji wa vihatarishi ambavyo havijapakiwa kwenye mfumo wa TIRAMIS halitaidhinishwa.
2.9 Reinsurance Officer	2.9.1 An insurer shall retain a staff competent in reinsurance to administer its reinsurance programs. 2.9.2 Insurers shall be required to provide proof of Continuous Professional Development training (CPD) that the reinsurance officer has undergone	2.9 Afisa Bima Mtawanyo	2.9.1 Kampuni ya bima itahakikisha inamuajiri mfanyakazi mwenye weledi katika bima mtawanyo ili kusimamia mipango yake ya bima mtawanyo. 2.9.2 Kampuni za bima zitatakiwa kutoa uthibitisho wa mafunzo ya Maendeleo ya Kitaalamu (CPD) ambayo afisa huyo tajwa hapo juu amepitia kutoka

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	from recognized Institutions or Bodies within or outside Tanzania.		katika Taasisi zinazotambulika ndani au nje ya Tanzania.
2.10 Mandatory reinsurance cession	No provision in these Guidelines shall preclude insurers and reinsurers compliance with mandatory reinsurance cessions specified under the Insurance Act.	2.10 Bima mtawanyo za lazima	Hakuna kipengele chochote kile cha Miongozo hii kitakachotafsiriwa kuwa na maana ya kuzuia kampuni za bima na bima mtawanyo kufuata masharti ya ugawaji wa vihatarishi wa lazima kwa mujibu wa Sheria ya bima.
2.11 Mandatory disclosure	<p>2.11.1 Insurer, reinsurer and reinsurance brokers shall disclose the identities of non-resident reinsurers ultimately receiving reinsurance premium relating to risks placed with them.</p> <p>2.11.2 Insurer, reinsurer and reinsurance brokers shall disclose the amount of reinsurance commission/ fronting fees receivable in respect of externalized risks on each transaction.</p>	2.11 Utoaji taarifa wa lazima	<p>2.11.1 Kampuni za bima, Kampuni za bima mtawanyo na washauri wa bima mtawanyo wataweka wazi utambulisho wa kampuni za bima mtawanyo za nje ya nchi ambazo hatimaye zitapokea malipo ya ada ya bima yanayohusiana na vihatarishi vinavyopelekwa kwao.</p> <p>2.11.2 Kampuni za bima, Kampuni za bima mtawanyo na washauri wa bima mtawanyo wataweka wazi kiasi cha kamisheni ya bima/ada za malipo zinazoweza kupokelewa kuhusiana na vihatarishi vinavyotoka nje ya nchi kwa kila muamala unaofanyika kati yao.</p>

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2.12 Time for submission of requests for externalization of risk.	<p>2.12.1 A request for externalization of risk shall be submitted to the Authority not more than thirty (30) days after commencement of the Cover.</p> <p>2.12.2 An insurer and reinsurer that submits the request contrary to 2.12.1 shall be subjected to penalty as per the Insurance Act.</p> <p>2.12.3 Each and every insurer or reinsurer invited by another insurer or reinsurer in the market to participate in absorbing a portion of risk shall provide the required response within Two (2) working days upon receipt of relevant invitation. Each insurer or reinsurer shall provide the designation and contact details of officers for purposes of correspondences.</p>	2.12 Muda wa kuwasilisha maombi ya upelekaji wa vihatarishi nje ya nchi.	<p>2.12.1 Ombi la kupeleka vihatarishi nje ya nchi litawasilishwa kwa Mamlaka ndani ya siku thelathini (30) baada ya kuanza kwa kinga hiyo ya bima.</p> <p>2.12.2 Kampuni ya bima na bima mtawanyo itakayowasilisha ombi kinyume na 2.12.1 itakabiliwa na adhabu kwa mujibu wa masharti ya Sheria ya Bima.</p> <p>2.12.3 Kila kampuni ya bima au bima mtawanyo iliyoalikwa na kampuni nyingine ya bima au bima mtawanyo katika soko kushiriki katika kuchukua sehemu ya vihatarishi, inapaswa kutoa jibu linalohitajika ndani ya siku Mbili (2) za kazi baada ya kupokea mwalioko husika. Kila kampuni ya bima au bima mtawanyo itatoa jina na njia za mawasiliano za maafisa walioteuliwa kutoa majibu husika.</p>
2.13 Periodic credit rating	All insurers and reinsurers shall undergo periodic credit rating by an independent reputable rating agency to establish its financial soundness at least once in every five years.	2.13 Ukadiriaji wa uwezo wa kifedha mara kwa mara	Kampuni zote za bima na bima mtawanyo lazima zikadiriwe mara kwa mara na wakala huru anayetambulika ili kuthibitisha uwezo wake wa kifedha angalau mara moja kila baada ya miaka mitano.

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2.14 Settlement of treaty balances	Settlement of balances due to insurers or reinsurers shall be made within the timeframe specified in the relevant treaty arrangements.	2.14 Ulipaji wa bakaa la mikataba ya bima mtawanyo	Ulipaji wa bakaa kwa kampuni za bima au bima mtawanyo utafanywa kulingana na muda ulioainishwa kwenye makubaliano ya mkataba wa bima mtawanyo husika.
2.15 Reinsurance claims recoveries	Where the insurer has reconciled the claim amount with the reinsurers, payment by reinsurers shall be made within the timeframe specified in the relevant reinsurance arrangements.	2.15 Malipo ya madai ya bima mtawanyo	Pale ambapo kampuni ya bima imethibitisha kiasi cha madai kilichokokotolewa na kukubaliwa, malipo kutoka kwa kampuni ya bima mtawanyo yatafanyika ndani ya muda ulioainishwa kwenye makubaliano ya mkataba wa bima mtawanyo husika.
2.16 Re-takaful Arrangements	A Takaful operator intending to arrange Retakaful shall observe existing <i>“Takaful Operational Guidelines 2022”</i> and reinsurance requirements set by these Guidelines.	2.16 Mpango wa Takaful mtawanyo	Mwendesha Takaful anaetafta huduma ya Takaful mtawanyo atazingatia <i>“Miongozo wa Uendeshaji wa Takaful 2022”</i> na mahitaji ya bima mtawanyo yalivyoainishwa kwenye Miongozo hii.

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<p>3.1 Conditions for Use of Locally Accredited Reinsurers</p> <p>3.1.1 All foreign reinsurers seeking to transact insurance business with Tanzanian registered insurers and reinsurers must be Accredited by the Authority upon making a formal application.</p> <p>3.1.2. Application for Accreditation shall be made through a form prescribed by the Authority and shall be accompanied with:-</p> <ol style="list-style-type: none"> i. A non-refundable application fee of USD 1,000; ii. A Certificate of incorporation in home jurisdiction; iii. License to undertake insurance business from Regulator in home jurisdiction; iv. A Letter of Good standing member of insurance industry by a regulatory agency in home jurisdiction; v. Audited financial statements for the previous three (3) years; 	<p>3.1 Masharti ya Matumizi ya Kampuni za Bima mtawanyo zilizopata Ithibati</p> <p>3.1.1 Kampuni zote za bima mtawanyo zilizosajiliwa nje ya nchi zinazohitaji kufanya biashara na kampuni za bima na bima mtawanyo zilizosajiliwa nchini ni lazima zipate Ithibati kutoka kwa Mamlaka.</p> <p>3.1.2. Maombi ya Ithibati yatafanywa kupitia fomu maalumu itakayowekwa na Mamlaka. Maombi hayo yataambathishwa na vielelezo vifuatavyo;-</p> <ol style="list-style-type: none"> i. Ada ya maombi isiyorejeshwa ya Dola za Marekani elfu moja (1,000); ii. Hati ya usajili wa kampuni kwenye nchi ya usajili; iii. Leseni ya kufanya biashara ya bima kutoka katika nchi ya usajili; iv. Ushahidi wa mwenendo mzuri kutoka kwa Mamlaka ya Usimamizi wa Bima katika nchi anakotoka mwombaji; v. Taarifa za kifedha zilizokaguliwa kwa miaka 3 iliyopita;

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	<p>vi. Credit rating by a reputable rating agency;</p> <p>vii. A Report on its dealings with Tanzania insurers and reinsurers for the previous year in a format prescribed by the Authority;</p> <p>viii. A recommendation letter from either a local insurer, local reinsurer or reinsurance broker ratified by the respective Board, expressing interest to transact with it; and</p> <p>ix. Any other relevant information as may be required by the Authority;</p> <p>3.1.3. A Successful Applicant shall pay an annual Accreditation Fee of USD 9,000.</p>		<p>vi. Daraja la uwezo wa kifedha kutoka kwa taasisi inayotambulika katika kutoa tathimini;</p> <p>vii. Ripoti ya shughuli za kibiashara kati ya mwombaji na kampuni za bima na bima mtawanyo za Tanzania kwa mwaka uliopita katika muundo utakaowekwa na Mamlaka;</p> <p>viii. Barua ya mapendekezo kutoka kwa aidha kampuni ya bima, bima mtawanyo au mshauri wa bima mtawanyo wa Tanzania iliyoidhinishwa na Bodi ya kampuni husika, ikionyesha utayari wa kufanya nayo biashara; na</p> <p>ix. Taarifa nyinginezo kama zitakavyohitajika na Mamlaka;</p> <p>3.1.3. Mwombaji aliyekubaliwa kupata Ithibati nchini, atalipa Ada ya Ithibati ya kila mwaka ya Dola za kimarekani elfu tisa (9,000).</p>
3.2 Use of Reinsurance Brokers	3.2.1 Without prejudice to Sec. 79 of the Act, where treaty placement requires the services of reinsurance brokers, the insurer shall allocate not less than 10%	3.2 Matumizi ya washauri wa bima mtawanyo	3.2.1 Bila kuathiri Kifungu Na. 79 cha Sheria ya bima, pale ambapo uandaaji wa mikataba ya bima mtawanyo utahitaji huduma za ushauri wa washauri wa bima mtawanyo, kampuni za bima zitahakikisha kiwango kisichopungua asilimia 10

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	<p>excluding mandatory cessions for placement to locally registered reinsurance brokers.</p> <p>3.2.2 Locally registered reinsurers may use locally registered reinsurance broker or locally accredited reinsurance broker.</p>		<p>isipokuwa bima mtawanyo za lazima ya upelekaji unafanywa kupitia washauri wa bima mtawanyo waliosajiliwa nchini.</p> <p>3.2.2 Kampuni za bima mtawanyo zilizosajiliwa nchini zinaweza kutumia huduma za washauri wa bima mtawanyo waliosajiliwa au waliopata ithibati nchini.</p>
<p>3.3 Conditions for Use of Locally Accredited Reinsurance Brokers.</p>	<p>3.3.1 All foreign reinsurance Brokers seeking to transact insurance business with Tanzanian registered insurers and reinsurers must be Accredited by the Authority upon making a formal application.</p> <p>3.3.2 An application for Accreditation shall be made through a prescribed form and shall be accompanied with; -</p> <ol style="list-style-type: none"> i. A non-refundable application fee of USD 1,000; ii. A Certificate of incorporation in home jurisdiction; 	<p>3.3 Masharti ya kutumia Washauri wa bima mtawanyo waliopata Ithibati.</p>	<p>3.3.1 Washauri wote wa bima mtawanyo waliosajiliwa nje ya nchi wanaohitaji kufanya biashara na kampuni za bima na bima mtawanyo zilizosajiliwa nchini ni lazima wapate hati ya Ithibati kutoka kwa Mamlaka.</p> <p>3.3.2. Maombi ya Ithibati yatafanywa kupitia fomu maalumu utakaowekwa na Mamlaka. Maombi hayo yataambatanishwa na vielelezo vifuatavyo;-</p> <ol style="list-style-type: none"> i. Ada ya maombi ya Dola za kimarekani elfu moja (1,000); ii. Hati Usajili wa kampuni kwenye nchi ya usajili;

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	<ul style="list-style-type: none"> iii. A license issued by Regulator in home jurisdiction; iv. A Letter of Good standing member of insurance industry by a regulatory agency in home jurisdiction; v. Audited financial statements for the previous three (3) years; vi. Evidence of Professional Indemnity Insurance cover enforceable in Tanzania with minimum sum insured of USD 200,000; vii. A report on its dealings with Tanzania insurers and reinsurers for the prior year in a format prescribed by the Authority; viii. A recommendation letter from a local insurer or reinsurance broker ratified by the respective Board, expressing interest to transact with it; and ix. Any other relevant information required by the Authority. 		<ul style="list-style-type: none"> iii. Leseni ya kufanya biashara ya bima kutoka katika nchi ya usajili; iv. Ushahidi wa mwenendo mzuri kutoka kwa Mamlaka ya Usimamizi wa Bima katika nchi anakotoka muombaji ambayo imetafsiriwa na taasisi inayotambulika katika lugha ya Kiswahili au kiingereza; v. Taarifa za kifedha zilizokaguliwa kwa miaka 3 iliyopita; vi. Ushahidi wa bima ya fidia ya kitaalamu yenye thamani isiyo chini ya Dola za kimarekani laki mbili (200,000) vii. Ripoti ya shughuli za kibishara kati ya mwombaji na kampuni za bima za Tanzania kwa mwaka uliopita katika muundo utakaowekwa na Mamlaka. viii. Barua ya mapendekezo kutoka kwa kampuni ya bima au mshauri wa bima wa Tanzania iliyoidhinishwa na Bodi ya kampuni husika, ikionyesha utayari wa kufanya nayo biashara. ix. Taarifa nyinginezo kama zitakavyohitajika na Mamlaka.

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	3.3.3 A Successful applicant shall pay an annual Accreditation fee of USD 4,000.		3.3.3. Mwombaji aliyekubaliwa kupata Ithibati nchini, atalipa ada ya ithibati ya kila mwaka ya Dola za kimarekani elfu nne (4,000).
3.4 Use of Captives	<p>3.4.1 Captives shall be restricted to terms and conditions prescribed by the Authority to underwrite specialized risks in Tanzania as follows:</p> <ul style="list-style-type: none"> i. It is registered captive under the Insurance Act; and ii. It is accredited in Tanzania to conduct business through local reinsurance companies or local reinsurance brokers. <p>3.4.2 An insurer making use of captive insurer must inform the Authority and, upon request, provide full and transparent information including but not limited to:</p> <ul style="list-style-type: none"> i. Organizational structure and the financing/capital structure of the captive insurer; ii. Terms and conditions of any guarantees; and iii. The domicile of the captive insurer. 	3.4. Matumizi ya Kampuni tanzu	<p>3.4.1 Kampuni tanzu hazitaruhusiwa kufanya kazi isipokuwa kwa kufata vigezo na masharti yalioainishwa na Mamlaka ili kuandikisha aina za bima maalum ndani ya Tanzania kama ifuatavyo:</p> <ul style="list-style-type: none"> i. Ni kampuni tanzu iliyosajiliwa chini ya Sheria ya bima; na ii. Imepewa ithibati ya kufanya biashara kupitia Kampuni za bima mtawanyo au Washauri au wataalamu wa bima mtawanyo. <p>3.4.2 Kampuni ya bima inayotumia kampuni tanzu itatakiwa kutoa taarifa kwa Mamlaka, na inapohitajika kutoa taarifa zote kwa uwazi ikiwa ni pamoja na:</p> <ul style="list-style-type: none"> i. Muundo wa taasisi na mtaji wa kampuni tanzu; ii. Vigezo na masharti ya mikataba ya udhamini; na iii. Nchi ya usajili ya kampuni tanzu.

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3.5 Expiration and Cancellation of Accreditation	<p>3.5.1 An accreditation Certificate shall expire on the 31st Day of December of the Calendar year to which it relates and shall be renewed for a subsequent period.</p> <p>3.5.2 The Authority reserves the right to withdraw the accreditation at any time it deems appropriate to do so to safeguard the interests of Tanzanian policyholders or other matters of public interest or policy.</p>	3.5 Ukomo na Usitishwaji wa Ithibati	<p>3.5.1 Ithibati iliyotolewa na Mamlaka itakoma siku ya 31 Disemba ya mwaka husika na itahuishwa kwa muda unaofuata.</p> <p>3.5.2 Mamlaka inaweza kusitisha Ithibati wakati wowote inapoona inafaa kufanya hivyo kwa maslahi ya kuwalinda wabima wa Tanzania au masuala mengine yenye maslahi au sera ya Umma.</p>
3.6 Exemption of accreditation for Regional Reinsurers	<p>3.6.1 The conditions for Accreditation of foreign reinsurers shall not apply to regional reinsurers established by Statutes, Agreements or Charters to which the Government of the United Republic of Tanzania is a party or holds stake directly or indirectly through its entities.</p>	3.6 Msamaha wa Ithibati kwa Kampuni za Bima mtawanyo za Kikanda	<p>3.6.1 Masharti ya Ithibati kwa kampuni za bima mtawanyo za kigeni hayata athiri kampuni za bima mtawanyo zinazotambuliwa na Sheria, makubaliano, au mikataba ya kimataifa ambayo Serikali ya Jamhuri ya Muungano wa Tanzania ni mshirika.</p>

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<p>4.1 Establishment of the Consortium</p>	<p>4.1.1 Two or more registered insurers or reinsurers may enter into an agreement to form a consortium for the purposes of underwriting specialized risks.</p> <p>4.1.2 The proposal for an Insurance Consortium, could be initiated by any Tanzanian Insurer or reinsurer by submitting a proposal to the Authority.</p> <p>4.1.3 The Authority, wherever necessary, may direct Insurers to create and participate in domestic Insurance Consortium.</p> <p>4.1.4 The Authority, after examining various factors including its objectives, basis, capacity for participation, limits of liability, terms and conditions, may permit formation of domestic Insurance Consortium.</p> <p>4.1.5 Membership to the consortium shall be voluntary for subscription by every registered insurer or reinsurer.</p>	<p>4.1 Uanzishwaji wa Konsotia</p>	<p>4.1.1 Kampuni mbili au zaidi za bima au bima mtawanyo zinaweza kuingia makubaliano ya kuunda konsotia kwa dhumuni la kuandikisha bima maalum.</p> <p>4.1.2 Mapendekezo ya uanzishwaji wa konsotia yanaweza kufanya na kampuni ya bima au bima mtawanyo ya kitanzania kwa kuwasilisha mapendekezo hayo kwa Mamlaka.</p> <p>4.1.3 Mamlaka, pale inapobidi inaweza kuelekeza kampuni za bima kuanzisha na kushiriki kwenye konsotia itakayosajiliwa nchini.</p> <p>4.1.4 Mamlaka, baada ya kuchunguza vigezo mbali mbali ikiwemo malengo, uwezo wa kushiriki, ukomo wa uwajibikaji, vigezo na masharti, inaweza kuruhusu uanzishwaji wa konsotia itakayosajiliwa nchini.</p> <p>4.1.5 Uanachama wa konsotia utakuwa ni wa hiari kwa kila kampuni ya bima au bima mtawanyo iliyosajiliwa.</p>

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	<p>4.1.6 The Authority shall review and approve such agreements and any other constituting documents of the Consortium at least once in every three years with special consideration of the following: -</p> <ol style="list-style-type: none"> i. Membership of the Consortium or pool; ii. Management of the Consortium or pool; iii. Premium and Policy requirements; iv. Members' deposits or commitment funds; v. Underwriting and Claims processes; vi. Reinsurance; vii. Dispute resolution; viii. Safeguards for Policyholders; and ix. Any other matter the Authority may consider appropriate. 		<p>4.1.6 Mamlaka itapitia na kuidhinisha makubaliano hayo pamoja na nyaraka nyingine zote zinazounda Konsotia angalau mara moja katika kila miaka mitatu kwa kuzingatia yafuatayo: -</p> <ol style="list-style-type: none"> i. Uanachama wa Konsotia; ii. Usimamizi wa Konsotia; iii. Mahitaji ya ada ya bima na mkataba wa bima; iv. Amana au fedha za ahadi za wanachama; v. Utaratibu wa uandikishaji bima na madai; vi. Bima mtawanyo; vii. Utatuzi wa migogoro; viii. Ulinzi kwa wabima; na ix. Jambo lolote ambalo Mamlaka inaweza kuona linafaa.
4.2 Insurance Through Consortium	All specialized risks shall be insured through a Consortium established under the Laws of Tanzania and recognized by the Authority.	4.2 Bima Kupitia Konsotia.	Aina maalum za bima ndani ya Tanzania zitaandikishwa kupitia Konsotia iliyoanzishwa kwa mujibu wa Sheria za Tanzania na kutambuliwa na Mamlaka.

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<p>4.3 Management structure of the Consortium</p>	<p>4.3.1 There shall be the General Assembly which shall be comprised by all members of the Consortium. The General Assembly shall be the principal governing organ of the Consortium or the pool charged with the following duties:</p> <ul style="list-style-type: none"> i. To oversee the management of the Consortium; ii. To elect a Technical Committee of the Consortium and determine its composition, tenure and responsibilities; iii. To appoint or terminate a Consortium Manager based on criteria approved by the Authority; iv. To appoint a Consultant of the Consortium; v. To appoint the external auditors of the Consortium; and vi. To establish any other committees for the discharge of the functions of the Consortium or pool where need be. 	<p>4.3 Muundo wa usimamizi wa Konsotia</p>	<p>4.3.1 Kutakuwa na Mkutano Mkuu ambao utaundwa na wajumbe wote wa Konsotia. Mkutano mkuu utakuwa msimamizi mkuu na ngazi ya juu ya maamuzi ya Konsotia na wenye majukumu yafuatayo:</p> <ul style="list-style-type: none"> i. Kusimamia uendeshwaji wa konsotia; ii. Kuchagua Kamati Tendaji ya Konsotia na kuweka muundo,kipindi cha kuhudumu na majukumu yake; iii. Kuteua na kutengua Meneja wa Konsotia kwa kuzingatia vigezo vilivyokubaliwa na Mamlaka; iv. Kuteua Mshauri mwelekezi wa konsotia; na v. Kuteua Mkaguzi wa nje wa hesabu za kifedha wa konsotia; na vi. Kuunda kamati nyingine kwa ajili ya kutekeleza majukumu ya Konsotia kwa kadri utakavyoona inafaa.

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<p>4.3.2 Technical Committee shall be responsible for the following:</p> <ol style="list-style-type: none"> i. To implement the resolutions of the General Assembly and the policy directives of the Consortium or pool; ii. To guide the Consortium or pool on matters related to underwriting and reinsurance arrangements; iii. To recommend to the General Assembly the criterion for participation of a member; iv. To verify annual audited accounts of the Consortium or pool and recommend the same to the General assembly for approval; v. To recommend to the General Assembly the portion of surplus to be distributed to members; and vi. To recommend to the General Assembly the appointment of the Consortium or pool Manager. <p>4.3.3 The Consortium or pool Manager shall be a reinsurance company or any other entity approved by the Authority who shall have the following responsibilities:</p> <ol style="list-style-type: none"> i. To manage the day-to-day activities of the Consortium including supporting the Leader 	<p>4.3.2 Kamati Tendaji itakuwa na majukumu yafuatayo:</p> <ol style="list-style-type: none"> i. Kutekeleza maazimio ya Konsotia na maelekezo ya kiseru ya Mkutano Mkuu; ii. Kuelekeza Konsotia juu ya masuala yanayohusiana na uandikishaji wa bima na bima mtawanyo; iii. Kupendekeza kwa Mkutano Mkuu vigezo vya ushiriki vya mjumbe katika Konsotia; iv. Kuhakiki hesabu za kifedha za mwaka za Konsotia zilizokaguliwa kwa ajili ya ridhaa ya Mkutano Mkuu; v. Kupendekeza kwa Mkutano Mkuu sehemu ya faida itakayokua gawio kwa wanachama; na vi. Kupendekeza kwa Mkutano Mkuu uteuzi wa Meneja wa Konsotia. <p>4.3.3 Meneja wa Konsotia atakuwa ni kampuni ya bima mtawanyo au taasisi nyingine yoyote iliyoidhinishwa na Mamlaka ambayo itakuwa na majukumu yafuatayo;</p> <ol style="list-style-type: none"> i. Kusimamia shughuli za kila siku za Konsotia ikiwa ni pamoja na kumsaidia Kiongozi

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	<p>in pursuing and negotiating business for the Consortium, securing reinsurance, premiums collection and claims management;</p> <ul style="list-style-type: none"> ii. To act as a representative of the Consortium and shall have authority to represent the Consortium in all fora; iii. To prepare annual audited accounts of the consortium; iv. To submit returns and reports (inclusive of manpower capacity development reports) to the Authority in a manner and format determined by the Authority; and v. Any other responsibility as may be assigned by the General Assembly or the Technical Committee. <p>4.3.4 The Leader shall have the following responsibilities: –</p> <ul style="list-style-type: none"> i. Management of bids in liaison with the Consortium Manager; ii. Prepare and issue documentation pertaining to the risks underwritten in liason with the Manager; iii. Ensure compliance with the applicable tax and levy obligations in line with the applicable Regulations; 		<p>katika kutekeleza na kujadiliana kuhusu biashara ya Konsotia, kupata bima mtawanyo, ukusanyaji wa ada za bima na usimamizi wa madai;</p> <ul style="list-style-type: none"> ii. Kuwa mwakilishi wa Konsotia katika nyanja mbalimbali; iii. Kutayarisha hesabu za kifedha za Konsotia zilizokaguliwa; iv. Kuwasilisha ritani na ripoti (pamoja na taarifa za maendeleo ya uwezo wa rasilimali watu) kwa Mamlaka kwa utaratibu na mfumo utakaowekwa na Mamlaka; na v. Majukumu mengine yeyote kama itakavyoelekezwa na Mkutano Mkuu au Kamati Tendaji. <p>4.3.4 Kiongozi atakuwa na majukumu yafuatayo:-</p> <ul style="list-style-type: none"> i. Usimamizi wa zabuni kwa kushirikiana na Meneja wa Konsotia; ii. Kwa kushirikiana na Meneja, kiongozi atahusika kwa utayarishaji na utoaji wa nyaraka za bima zinazohusu vihatarishi vilivyoandikishwa; iii. Kuhakikisha utekelezaji wa masharti na taratibu za kodi na tozo kwa mujibu wa kanuni na sheria zilizopo;

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<ul style="list-style-type: none"> iv. Receive premiums from the insured; v. Settlement of genuine claims; vi. Seek approval for externalization to the Authority; and vii. Any other responsibilities as may be prescribed by the General Assembly and approved by the Authority. <p>4.3.5 Consortium external auditor shall be appointed by the General assembly from the list of approved and published Auditors by the National Board of Accountants and Auditors (NBAA) charged with the following duties;</p> <ul style="list-style-type: none"> i. Auditing the Consortium's books of accounts and records; ii. The Auditors shall report to the General Assembly; and iii. The service of the same external auditors shall not exceed a consecutive period of six (6) years. 	<ul style="list-style-type: none"> iv. Kupokea ada za bima kutoka kwa mbima; v. Kuomba kibali cha upelekaji wa vihatarishi nje ya nchi; na vi. Shughuli nyingine yoyote kama itakavyoagizwa na Mkutano Mkuu na kuidhinishwa na Mamlaka. <p>4.3.5 Mkutano mkuu wa mwaka utateua wakaguzi wa nje kutoka kwenye orodha ya wakaguzi walioidhinishwa na Bodi ya Wahasibu ya Taifa (NBAA) wakiwa na majukumu yafuatayo;</p> <ul style="list-style-type: none"> i. Kukagua vitabu vya hesabu za kifedha na kumbukumbu za Konsotia; ii. Wakaguzi wataripoti kwa Kamati Tendaji au kamati nyingine yoyote itakayoteuliwa na Mkutano Mkuu; na iii. Wakaguzi walioteuliwa na Mkutano Mkuu watatoa huduma hiyo kwa Konsotia kwa muda usiozidi miaka sita (6) mfululizo.

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4.4 Consortium Leader	<p>4.4.1 There shall be a leader appointed by the General Assembly. In appointing the Leader, the General Assembly shall consider the following as part of its selection criteria; -</p> <ul style="list-style-type: none"> i. Duly filed application by the member of the consortium expressing its interest to undertake a lead role in underwriting the specialized risks of the consortium; ii. The number of lines (shares) it has subscribed or intends to subscribe in the Consortium; iii. Evidence of Compliance with tax obligations; iv. Its solvency margin; v. Its administration and compliance capabilities; and vi. Any other factor as may be determined by the Authority. <p>4.4.2 The Leader shall be the legal representative of the Consortium capable of suing and being sued on behalf of the Consortium. The Members may not sue or be sued by third parties in their own name in matters</p>	4.4 Kiongozi kwenye konsotia	<p>4.4.1 Kutakuwa na kiongozi atakayeteuliwa na Mkutano Mkuu. Katika kumteua Kiongozi, Mkutano Mkuu utazingatia yafuatayo kama sehemu ya vigezo vyake vya uteuzi; -</p> <ul style="list-style-type: none"> i. Maombi yaliyofanywa na mwanachama wa Konsotia akionyesha nia ya kuchukua jukumu la kuwa Kiongozi katika kuandikisha aina maalum za bima za Konsotia; ii. Idadi ya hisa alizonazo au anazotarajia kuchukua katika Konsotia; iii. Uthibitisho wa utekelezaji wa wajibu wa kulipa kodi; iv. Kiwango chake cha ukwasi; v. Uwezo wake wa usimamizi na utekelezaji wa majukumu; vi. Kigezo kingine chochote kile kama itakavyoamuliwa na Mamlaka. <p>4.4.2 Kiongozi atakuwa mwakilishi wa kisheria wa Konsotia mwenye uwezo wa kushtaki au kushitakiwa kwa niaba ya Konsotia. Wanachama hawatashtaki wahusika wengine kwa jina lao wenyewe isipokuwa kwa idhini ya maandishi ya</p>



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	<p>relating to the risks covered under the Consortium unless authorized in writing by the Leader.</p> <p>4.4.3 The Leader shall be entitled to indemnification from the Members, proportionate to their interest in the Consortium, for all claims, damages, losses, penalties, costs and expenses (including legal expenses) it may suffer arising from or related to its acting as the Leader.</p>		<p>Kiongozi katika masuala yanayohusiana na vihatarishi vilivyokingwa chini ya Konsotia.</p> <p>4.4.3 Kiongozi atakuwa na haki ya kufidiwa kutokana na gharama zozote alizotumia kwa shughuli au maslahi ya Konsotia kwa kadiri ya maslahi ya kila mwanachama.</p>
4.5 Reinsurance Arrangements	<p>4.5.1 Reinsurance arrangements for specialized risks shall consider Mandatory cession prescribed under the Insurance Act.</p> <p>4.5.2 Specialized risks shall be conducted in a manner prescribed in Clause 2.3.1 of these Guidelines.</p> <p>4.5.3 Reinsurance arrangements will be approved by the Authority and must be structured to protect aggregate losses with maximum retention per Policy to be determined by the Consortium members.</p>	4.5 Mikataba ya Bima Mtawanyo	<p>4.5.1 Mikataba ya bima mtawanyo kwa aina za bima maalum itazingatia mgao wa lazima kwa mujibu wa Sheria ya bima.</p> <p>4.5.2 Aina za bima maalum zitaandikiswa kwa mujibu wa utaratibu ulioweka kwa mujibu wa Kipengele cha 2.3.1 ya Miongozo hii.</p> <p>4.5.3 Mikataba ya bima mtawanyo itaidhinishwa na Mamlaka na lazima iwe na muundo wenye kulinda hasara ya jumla na ubakizaji wa juu zaidi kwa kila mkataba wa bima kadri itakavyoamuliwa na Konsotia.</p>

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4.6 Premium Collection	<p>4.6.1 The Leader will issue invoices for the agreed premium which will be paid into a bank account of the Consortium.</p> <p>4.6.2 The premium received from the insured will be dealt with as provided for in the Consortium Members' Agreement subject to the statutory and regulatory deductions including; taxes and applicable levies.</p>	4.6 Ukusanyaji wa ada za bima	<p>4.6.1 Kiongozi atatoa ankara za malipo ya ada za bima yaliyokubaliwa ambayo yatalipwa katika akaunti ya benki ya Konsotia.</p> <p>4.6.2 Ada ya bima itakayopokelewa itatumika kwa mujibu wa makubaliano ya wanachama wa Konsotia kwa kuzingatia matakwa ya sheria husika za bima na kodi.</p>
4.7 Claims	Claims shall be administered in accordance with the Insurance Act and standard insurance practices including the Authority's Claims Management guidelines.	4.7 Madai	Madai yatasimamiwa kwa mujibu wa Sheria ya Bima na taratibu za kawaida za bima ikijumuisha miongozo ya Madai ya Mamlaka.
4.8 Returns	<p>4.8.1 The Manager shall file all returns with the Authority indicating written specialized risks including any reinsurance arrangement.</p> <p>4.8.2 The filing will detail total premiums written, commissions, claims paid and financial statements as stipulated in the Insurance Act and as guided by the Authority.</p>	4.8 Ritani	<p>4.8.1 Meneja atawasilisha ritani zote kwa Mamlaka zikionyesha biashara za aina ya bima maalum iliyoandikishwa pamoja na mkataba wowote wa bima mtawanyo.</p> <p>4.8.2 Ritani hizo zitaainisha jumla ya ada za bima zilizoandikishwa, Kamisheni, madai yaliolipwa na taarifa za kifedha kwa mujibu wa sheria ya bima na maelekezo ya Mamlaka.</p>

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4.9 Local Capacity Development	<p>4.9.1 The Consortium shall submit to the Authority its capacity building plan which shall enable: -</p> <ol style="list-style-type: none"> i. At least three (3) Tanzanians every year to acquire skills for management of the Consortium’s underwriting functions; ii. At least three (3) Tanzanians every year to acquire skills for management of the Consortium’s claims functions; iii. A succession plan for the entire management function of the Consortium by Tanzanians. <p>4.9.2 For procurement of insurance related services, the Consortium shall ensure that local capacity has been fully exhausted.</p> <p>4.9.3 In seeking approval for procuring insurance related services outside Tanzania, Consortium shall ensure the foreign company provides a local content program in the following aspects: –</p>	4.9 Uendelezaji wa Uwezo wa Ndani	<p>4.9.1 Konsotia itawasilisha mpango wake wa kujenga uwezo kwa Mamlaka utakao wezesha yafuatayo:-</p> <ol style="list-style-type: none"> i. Angalau watanzania wa tatu (3) kila mwaka wapewe ujuzi wa usimamizi wa majukumu ya uandikishwaji bima katika konsotia; ii. Angalau watanzania wa tatu (3) kila mwaka wapewe ujuzi wa usimamizi wa madai katika konsotia; iii. Mpango wa kurithisha ujuzi kwa menejimenti yote ya konsotia. <p>4.9.2 Katika uhitaji wa huduma zinazohusiana na bima, Konsotia itahakikisha uwezo wa ndani umetumika kikamilifu.</p> <p>4.9.3 Katika kutafta kibali cha kutumia huduma zinazohusiana na bima nje ya Tanzania, konsotia itahakikisha kampuni ya kigeni itawasilisha programu ya ushiriki wa watanzania inayozingatia yafuatayo:-</p>

SECTION FOUR: REINSURANCE FOR SPECIALIZED RISKS		SEHEMU YA NNE: BIMA MTAWANYO KWA AINA ZA BIMA MAALUM	
	<ul style="list-style-type: none"> i. Employment and training of Tanzanians; ii. Transfer of technology, knowledge and skills to companies, citizens and registered entities in Tanzania; and iii. Any other condition the Authority may require. 		<ul style="list-style-type: none"> i. Ajira na mafunzo kwa Watanzania; ii. Uhaulishaji wa teknolojia, maarifa na ujuzi kwa makampuni, raia na taasisi zilizosajiliwa nchini Tanzania; na iii. Masharti mengine yoyote ambayo Mamlaka itahitaji.

SECTION FIVE: PROHIBITION		SEHEMU YA TANO: MAKATAZO	
<p>5.1 Prohibited Practices</p>	<p>5.1.1 Insurers are prohibited to practise Irregular bundling and repackaging of risks with the intention of complicating risk exposure and promoting unnecessary externalization.</p> <p>5.1.2 Collusion amongst insurers in rejecting participation in risks shall be deemed as a serious offence punishable under the Insurance Act.</p> <p>5.1.3 non-responses to invitation to participate in a risk shall be subject to penalty in accordance to the Act.</p> <p>5.1.4 No life insurance business written in Tanzania shall be externalized.</p> <p>5.1.5. Unnecessary placement of risks abroad that fall within the capacity of primary insurer's reinsurance arrangements is prohibited.</p> <p>5.1.6 A request for submission of expired risks shall be subject to rejection and appropriate penalty in terms of the Insurance Act or both.</p>	<p>5.1 Makatazo</p>	<p>5.1.1 Kampuni za bima haziruhusiwi kujumuisha vihatarishi katika fungu moja ili kukuza ukubwa wa vihatarishi hivyo kwa ajili ya kuvipeleka nje pasipo na ulazima.</p> <p>5.1.2 Ushirikiano usio halali kati ya kampuni za bima katika kukataa ushiriki wa vihatarishi utachukuliwa kuwa kosa kubwa chini ya Sheria ya Bima.</p> <p>5.1.3 Kampuni za bima zisizojibu na kuwasilisha kwa wakati mrejesho juu ya kushiriki au kutokushiriki katika vihatarishi, watakabiliwa na adhabu kwa mujibu wa masharti ya Sheria ya Bima.</p> <p>5.1.4 Hakuna biashara za bima za maisha zilizoandikishwa nchini zitakazopelekwa nje ya nchi.</p> <p>5.1.5 Upelekaji wa vihatarishi nje ya nchi usio wa lazima na ambavyo viko ndani ya uwezo wa mikataba ya bima mtawanyo ya kampuni ya bima ya ndani hautaruhusiwa.</p> <p>5.1.6 Ombi la kupeleka vihatarishi vilivyokwisha muda wake litakataliwa na faini kutozwa kwa mujibu wa masharti ya Sheria ya Bima.</p>

SECTION SIX: REVIEW AND APPROVAL		SEHEMU YA SITA: MAPITIO NA IDHINI	
6.1 Enforcement	6.1.1 Any person who contravenes the provisions of these Guidelines commits an offence and shall be subject to regulatory sanction in line with the Insurance Act, Cap 394.	6.1 Utekelezaji	6.1.1 Mtu yeyote atakayekiuka masharti ya Mwongozo huu atakuwa ametenda kosa na atachukuliwa hatua na Kamishna wa Bima kwa mujibu wa Sheria ya Bima Sura Na. 394.
6.2 Review of Guidelines	6.2.1 These Guidelines may be reviewed once in every three years for improvement. 6.2.2 Notwithstanding paragraph 6.2.1, the Commissioner may review these Guidelines as and when a need arises; 6.2.3 Subject to 6.2.1 and 6.2.2, the Commissioner may issue provisions that shall form addendum to these Guidelines as and when required.	6.2 Mapitio ya Miongozo	6.2.1 Miongozo hii inaweza kufanyiwa mapitio mara moja kila baada ya miaka mi tatu kwa ajili ya maboresho. 6.2.2 Bila kuathiri kifungu 6.2.1, Kamishna anaweza kufanya mapitio ya Miongozo hii wakati wowote itakapohitajika. 6.2.3 Kwa kuzingatia 6.2.1 na 6.2.2 Kamishna anaweza kutoa masharti yatakayounda nyongeza ya Miongozo hii pale itakapohitajika.
6.3 Effective date	These Guidelines shall come into force on the 1 st August, 2023.	6.3 Tarehe rasmi ya kuanza kutumika	Miongozo hii itaanza kutumika rasmi tarehe 1 Agosti, 2023.
6.4 Approval	Approved by:  Dr. Baghayo A. Saqware Commissioner of Insurance	6.4 Idhini	Imeidhinishwa na:  Dkt. Baghayo A. Saqware Kamishna wa Bima

FOR APPLICATION AND ENQUIRIES PLEASE WRITE TO:	KWA MAOMBI AU MAULIZO, ANDIKA KWA:
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