

NATIONAL HEALTH INSURANCE FUND ACT

(No. 9 of 1998)

IN EXERCISE of the powers conferred by sections 15 (6), 20 and 23(2) of the National Health Insurance Fund Act, the Cabinet Secretary for Health, in consultation with the National Health Insurance Fund Management Board, makes the following Regulations—

THE NATIONAL HEALTH INSURANCE FUND (CONTRIBUTIONS) REGULATIONS, 2022

PART I—PRELIMINARIES

Citation. **1.** These Regulations may be cited as the National Health Insurance Fund (Contributions) Regulations, 2022.

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

“Act” means the National Health Insurance Fund Act;

“employer” means a person who is liable to make a contribution under section 15 (2) (c), (d) or (e) of the Act; This shall include but will not be limited to Civil Service, National Police Service, Kenya Defence Forces, Constitutional Commissions, Teacher Service Commission, Judiciary, County Governments, Public Universities, Parliamentary Service Commission, State Corporations and Statutory Bodies

“enhanced benefits” means the benefits offered over and above the benefits offered under the National cover;

“special contributor” means a person who is liable to make a contribution under section 15 (2) (b) or (f);

“standard contributor” means a person on whose behalf a contribution to the Fund is made under section 15(2)(a);

“unemployed” in relation to a contributor, means a person who is neither employed nor self-employed, at the time the person is liable to the Fund as a contributor; and

“voluntary contributor” means a person who is liable to make a contribution to the Fund under section 20.

PART II—STANDARD CONTRIBUTIONS

Rate of standard contribution. **3.** The rate of a standard contribution for the range of the total gross salary of a standard contributor shall be as specified in the Schedule.

Remission of standard contribution. **4.** (1) An employer shall remit the amount deducted as a standard contribution to the Fund on or before the ninth day of the month

immediately following the month when income was earned by the standard contributor.

(2) An employer shall remit a standard contribution to the Fund in the manner notified to the employer by the Board.

Employment of a special or voluntary contributor.

5. (1) Where a special or voluntary contributor is employed, the employer shall notify the Fund within thirty days thereof.

(2) A special or voluntary contributor who has been employed shall become liable to the Fund as a standard contributor.

Additional contribution for spouse.

6. (1) Where a standard contributor includes more than one spouse as a beneficiary, the contributor shall remit an additional contribution to the Fund.

(2) The rate of the additional contribution referred to in sub-regulation (1) shall be five hundred shillings in respect of each spouse.

(3) A standard contributor shall remit an additional contribution referred to in sub-regulation (1) to the Fund on or before the ninth day of the month immediately following the month when the salary was earned by the standard contributor.

(4) A standard contributor shall remit an additional contribution referred to in sub-regulation (1) to the Fund in the manner notified to the standard contributor by the Board.

PART III—MATCHING CONTRIBUTIONS

Rate of matching contribution.

7. The rate of a matching contribution for the range of the total gross salary of a standard contributor shall be as specified in the Schedule.

Remission of matching contribution.

8. (1) An employer shall remit a matching contribution to the Fund on or before the ninth day of the month immediately following the month when the salary was earned by the standard contributor.

(2) An employer shall remit a matching contribution to the Fund in the manner notified to the employer by the Board.

Unlawful deduction as matching contribution.

9. (1) An employer who deducts the amount due as a matching contribution from the salary of a standard contributor commits an offence.

(2) Despite sub-regulation (1), an employer who deducts the amount due as a matching contribution from the salary of a standard contributor shall—

- (a) refund the amount deducted to the standard contributor; and
- (b) be liable to pay a penalty equal to ten percent of the amount deducted.

Termination of employment of a standard contributor.

10. (1) Where an employer terminates the employment of a standard contributor, the employer shall notify the Fund within thirty days thereof.

(2) The obligations of an employer in relation to a standard contributor whose services have been terminated shall cease immediately the Fund receives the notification referred to in sub-regulation (1).

Application of Part.

11. An employer shall be liable to remit the matching contribution under this Part ninety days after the commencement of these Regulations.

PART IV—VOLUNTARY CONTRIBUTIONS

Unemployed person as voluntary contributor.

12. An unemployed person shall be eligible as a voluntary contributor if the person—

- (a) has obtained a recommendation from the National Employment Authority indicating that the person is unemployed;
- (b) is not categorised as an indigent or vulnerable person by the state department responsible for social protection; and
- (c) is not a beneficiary.

Rate of voluntary contribution.

13. The monthly rate for a voluntary contribution shall be five hundred shillings.

Remission of voluntary contribution.

14. (1) A voluntary contribution shall be remitted to the Fund on or before the ninth day of the month for which the contribution applies.

(2) A voluntary contribution shall be remitted to the Fund in the manner notified to the voluntary contributor by the Board.

Access to services.

15. (1) A beneficiary of a voluntary contributor shall not access the benefits if the voluntary contributor has not remitted any voluntary contributions due.

(2) Where a voluntary contributor has not remitted voluntary contributions for more than one year, and a beneficiary of the voluntary contributor intends to access the benefits of the Fund, the voluntary contributor shall remit the voluntary contribution without any payment of arrears and the beneficiary shall only access the benefits after ninety days of the remission of the voluntary contribution.

(3) Where a voluntary contributor has not remitted voluntary contributions for a period not exceeding one year, and the beneficiary of a voluntary contributor intends to access the benefits of the Fund, the voluntary contributor shall, after remitting the arrears of the voluntary contributions, any penalties thereon, access the benefits.

Additional contribution for spouse.

16. (1) Where a voluntary contributor includes more than one spouse as a beneficiary, the contributor shall remit an additional contribution to the Fund.

(2) The rate of the additional contribution referred to in sub-regulation (1) shall be five hundred shillings in respect of each spouse.

(3) A voluntary contributor shall remit an additional contribution referred to in sub-regulation (1) to the Fund on or before the ninth day of the month for which the contribution applies.

(4) A voluntary contributor shall remit an additional contribution referred to in sub-regulation (1) to the Fund in the manner notified to the voluntary contributor by the Board.

PART V—SPECIAL CONTRIBUTIONS

Special contributions for indigent and vulnerable persons.

17. (1) The state department responsible for social protection shall submit to the Fund a list of the indigent and vulnerable persons for whom the National Government is liable as a special contributor.

(2) Where the Fund receives the list submitted under sub-regulation (1) and the contributions due, the Fund shall notify the special contributor who is indicated as an indigent or vulnerable person, that they are eligible as a beneficiary of the Fund.

Special contribution for self-employed persons.

18. (1) A person whose income is derived from self-employment, shall inform the Board in writing that the person is a special contributor.

(2) The monthly rate of a special contribution under paragraph (1), shall be five hundred shillings.

(3) A special contribution shall be remitted to the Fund on or before the ninth day of the month for which the contribution applies.

(4) In considering a request made under sub-regulation (1) in relation to the income of a special contributor, the Fund may require the contributor to avail, such evidence and documentation as the Fund may deem necessary.

Remission of special contribution.

19. A special contribution shall be remitted to the Fund in the manner notified to the person to make the special contribution, by the Board.

Additional contribution for spouse.

20. (1) Where a special contributor includes more than one spouse as a beneficiary, the contributor shall remit an additional contribution to the Fund.

(2) The rate of the additional contribution referred to in sub-regulation (1) shall be five hundred shillings in respect of each spouse.

(3) A special contributor shall remit an additional contribution referred to in sub-regulation (1) to the Fund on or before the ninth day of the month for which the contribution applies.

(4) A special contributor shall remit an additional contribution referred to in sub-regulation (1) to the Fund in the manner notified to the voluntary contributor by the Board.

Part IV

Enhanced Benefits Contributions

Employers defined in the contribution regulations, who wish to receive an enhanced benefit under Section 22(3) of the National Health Amendment Act of 2022 ,will

- a) Make additional contributions to the Fund for enhanced benefits
- b) The Board will determine the rate of additional contributions
- c) The enhanced rate determined by the Board will take into consideration the rate paid for matching contributions

PART VI—MISCELLANEOUS

Statement of account.

21. A contributor may obtain a statement of account by submitting a request in writing to the Fund.

Remission of penalty.

22. A penalty imposed on a contributor under section 18 or 19 of the Act, shall be remitted to the Fund in the manner notified to the person liable to pay the penalty, by the Board.

Revocation of L. N. 185 of 2003.

23. The National Hospital Insurance Fund (Standard and Special Contributions) Regulations, 2003 are revoked.

Revocation of L. N. 187 of 2003.

24. The National Hospital Insurance Fund (Voluntary Contributions) Regulations, 2003 are revoked.

SCHEDULE

RATE OF STANDARD CONTRIBUTION/MATCHING CONTRIBUTION

(r. 3, 7)

	Range of Total Gross Monthly Income of Standard Contributor (Kshs)	Amount of Monthly Contribution (Kshs)
1.	Less than 6,000	150
2.	6,000 -7,999	300
3.	8,000 - 11,999	400
4.	12,000 - 14,999	500
5.	15,000 - 19,999	600
6.	20,000 - 24,999	750
7.	25,000 - 29,999	850
8.	30,000 - 34,999	900
9.	35,000 - 39,999	950
10.	40,000 - 44,999	1,000
11.	45,000 - 49,999	1,100
12.	50,000 - 59,999	1,200
13.	60,000 - 69,000	1,300
14.	70,000 - 79,999	1,400
15.	80,000 - 89,999	1,500
16.	90,000 - 99,999	1,600
17.	More than 99,999	1.7%

Made on the, 2022.

MUTAHI KAGWE,
Cabinet Secretary for Health.

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