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PART I - PRELIMINARY

Purpose

1.1 The Guidelines on the Role of the Appointed Actuary (Guidelines) are intended to provide the Appointed Actuaries with a proper perspective of their duties and responsibilities, and to set up the framework within which Bank Negara Malaysia (the Bank) expects them to discharge their responsibilities at all times.

1.2 It is envisaged that by enhancing the role of the Actuary, the quality of actuarial investigations into the financial conditions of family takaful funds would be improved. Further, the requirement of reporting to the Board of Directors is expected to help the management of takaful operator to have a better understanding of the relevant issues concerning family takaful fund.

1.3 In essence, the Appointed Actuary is responsible for the following:

- (a) To ensure continuous evaluation of the financial well being of the family takaful business;
- (b) To monitor all developments in the family takaful business which may have an impact on its financial condition and report to the takaful operator in specified circumstances; and
- (c) To ensure, so far as is within his authority, that the family takaful business is conducted on a sound financial basis with due regard to the certificate holders' reasonable expectations.

Coverage

1.4 The Guidelines apply to every Actuary, acting in his professional capacity, who is appointed by a Malaysian registered takaful operator to conduct an investigation into the financial condition of its family takaful business.

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Implementation Date

1.5 The Guidelines should be observed by takaful operators carrying on family takaful business and their respective Appointed Actuaries immediately.

PART II - APPOINTMENT AND CESSATION OF APPOINTMENT

Appointment

2.1 Every takaful operator conducting family takaful business must designate a person to be its Appointed Actuary. Such an appointment has to be approved by the Board of Directors and will also be subject to approval by the Bank.

2.2 The takaful operator, when assessing the person to be appointed, must consider the fitness and competence of the person in carrying out the required responsibilities. No person shall knowingly accept the appointment as an Appointed Actuary unless he is eligible and competent to carry out the functions expected of him.

2.3 A person is eligible to be appointed as Appointed Actuary if the person satisfies the following conditions:

- (a) (i) The person must be a fellow of:
 - The Institute of Actuaries in England;
 - The Faculty of Actuaries in Scotland;
 - The Society of Actuaries in the United States of America;
 - The Canadian Institute of Actuaries; or
 - The Australian Institute of Actuaries; or
- (ii) The person holds such other qualifications as the Bank may specify;
- (b) The person has to be at least 30 years old;
- (c) The person must possess at least 3 years relevant practical experience post qualification;

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- (d) The person should have at least one year relevant experience in a responsible position with a Malaysian takaful operator and/or insurer; and
- (e) The person should be a resident in Malaysia.

2.4 A takaful operator proposing to waive conditions 2.3(b) to 2.3(e) above may apply to the Bank in writing and the Bank may grant an exemption for such duration and subject to such conditions as it considers fit. Notwithstanding these requirements, the Bank may approve, as it deems fit, any person as being suitable for appointment as an Appointed Actuary. In approving such an appointment, consideration will be given to his past experience in valuing liabilities of Malaysian takaful operators or insurers, or knowledge of and familiarity with the Malaysian regulations and general economic/financial environment in Malaysia.

2.5 The Appointed Actuary may be an employee of the takaful operator, a person working in any other capacity (subject to the Bank's prior approval) or a consultant, if takaful operator can justify that there is no suitable in-house candidate. An in-house candidate is preferred in view of the fact that the Appointed Actuary plays a key role within the takaful operator and therefore, is required to be fully conversant and involved with the operations of the takaful operator.

2.6 An appointment of a person as Appointed Actuary of a takaful operator cannot take effect while there is in force an appointment of another person as the takaful operator's Appointed Actuary.

2.7 Submission for approval to appoint the Appointed Actuary must be made to Jabatan Penyeliaan Insurans dan Takaful, Bank Negara Malaysia at least one month before the end of each financial year of the takaful operator. The application must be supported with information specified in the Appendix.

2.8 In order to ensure that the duties of Appointed Actuary are not compromised and they are able to discharge their role effectively, the application for

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the appointment of Appointed Actuary who is acting in another capacity within the takaful operator has to be supported with a list of all additional functions of the Appointed Actuary, the line of reporting for each role and reason/justification for the appointments together with the information specified in the Appendix. This additional information must also be submitted to the Bank at any time should the Appointed Actuary be subsequently appointed into other functions. Takaful operators are also required to satisfy the Bank that such appointments would not adversely impact on the independence nature of an Appointed Actuary's role.

Cessation of Appointment

2.9 A person ceases to hold office as the Appointed Actuary of the takaful operator when:

- (a) The takaful operator terminates his appointment;
- (b) The person resigns from office; or
- (c) The person ceases to be eligible for appointment.

2.10 The takaful operator is required to notify the Bank in writing within fourteen days upon the date of cessation, and provide reasons for the cessation. The Appointed Actuary should provide a separate written notification to the Bank explaining his reasons for the situation.

2.11 To further enhance the corporate governance standards of the takaful operators, any termination of Appointed Actuary's appointment can only take effect after the takaful operator has cleared the termination of the Appointed Actuary's services with the Bank.

2.12 The takaful operator must appoint another person as its Appointed Actuary not later than ninety days from the date of cessation, or such further period as the Bank may approve. The person to be appointed should consult his predecessor as to whether there are any professional reasons for him not to accept the appointment.

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PART III - GENERAL RESPONSIBILITIES

3.1 In carrying out his responsibilities, the Appointed Actuary must ensure, amongst others, that:

- (a) The takaful operator complies with the requirements of the Takaful Act 1984;
- (b) The takaful operator operates on sound financial basis and with due regard to the certificate holders' reasonable expectations; and
- (c) There is equity among different groups of certificate holders.

3.2 An Appointed Actuary, acting in his professional capacity, has a duty to maintain the highest standards of his profession, and his responsibility to the takaful operator must be consistent with that duty. The Appointed Actuary advising the takaful operator is in a special position in that:

- (a) He is appointed and remunerated by the takaful operator and, at the same time;
- (b) Has responsibilities and obligations to the Bank by reason of its statutory duties, which arise from the Bank's supervisory functions aimed at protection of certificate holders' interest.

3.3 If these two aspects of the appointment or assignment conflict, it is the duty of the Appointed Actuary to advise the takaful operator, as soon as it becomes apparent, that a course of action is being, or is proposed to be, followed which seems likely to result in a need to qualify future reports.

3.4 The Appointed Actuary, in the discharge of his functions, shall act in a professional manner and comply with the Bank's guidelines.

3.5 It is the continuing responsibility of the Appointed Actuary to advise the takaful operator on his interpretation of the certificate holders' reasonable expectations. In general terms, he should have regard to the broad management philosophy of the takaful operator and the approach to the treatment of certificate

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holders vis-à-vis shareholders. He should also take all reasonable steps to ensure that the takaful operator's future certificate holders are not misled as to the expectations.

3.6 If the Appointed Actuary considers that the terms, contribution rates or any other matters of the family takaful scheme are:

- (a) not suitable;
- (b) not in accordance with actuarial principles and practices; or
- (c) inconsistent with the family takaful's experience,

he should bring this matter to the attention of the management and the Board, and submit his recommendations in a report on the terms, contribution rates or any other matters in respect of that family takaful scheme to the Bank.

PART IV - SPECIFIC DUTIES AND RESPONSIBILITIES

Valuation of Liabilities

4.1 The Appointed Actuary must consider the liabilities, the corresponding assets and their relationship and all reasonably foreseeable circumstances, which might affect the position in determining the liabilities in order to satisfy himself as to the financial resilience of the family takaful fund. He should exercise his most professional judgment in selecting the appropriate valuation methods and assumptions, taking into account not only the principal benefits but also any ancillary benefits. When assessing the liabilities of the long-term business of the takaful fund, he must also have regard to the certificate holders' reasonable expectations.

4.2 The Appointed Actuary has to certify the accuracy of the data on which the investigation is based if he is a permanent officer of the takaful operator, or to state the precautions which he had taken to ensure the accuracy of the data if he is not a permanent officer of the takaful operator. In his report, the Appointed Actuary should provide a description of the source of the data. If the Appointed Actuary has

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any doubts as to its accuracy, he should advise the takaful operator. If he cannot obtain a satisfactory clarification on his doubts, he should qualify his report.

4.3 The Appointed Actuary should comment on the main features of the methods and assumptions used in the actuarial valuation. If there are any changes from the previous investigation, he should explain the reasons for such changes. He should also comment on the effects of the change, if material.

4.4 Appropriate provisions must be made:

- (a) For future expenses of continuing the existing business which take into account the impact of future inflation, if applicable;
- (b) For the likely future experience of risk elements, such as mortality and morbidity; and
- (c) For overall reserves to meet adverse contingencies.

4.5 The Appointed Actuary must ensure that the profit rate used in the valuation of liabilities is appropriate. For this purpose, he should examine earnings on investments having regard to the values placed on assets and the investment policy of the takaful operator. He should consider likely future rates of return after tax on the existing assets and that of future investments. He should also examine the nature of the portfolio and consider the rates of return, capital and income that are likely to be realised over the future period in relation to the corresponding liabilities.

4.6 The Appointed Actuary must satisfy himself that, in the aggregate, the margins in any valuation of liabilities, including any margins as the Bank may specify, are adequate having regard to the risk inherent in the nature and conduct of the family takaful business. He should further satisfy himself that the value placed upon the aggregate liabilities in respect of certificates is not less than the value calculated in accordance with the minimum basis which may be specified by the Bank, and that the basis of valuation is such that no certificate is treated as asset.

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Contribution Rates

4.7 The prime responsibility must lie with the Appointed Actuary to satisfy himself that the contribution rates being charged for new business are appropriate, that is, they should be sufficient to enable the family takaful fund to meet the emerging liabilities. Although the adequacy or otherwise of contribution rates depends on future events (such as mortality, the return on investments and expenses), the Appointed Actuary, in exercising this judgment, must have regard to the extent of the family takaful fund's surplus and the expected investment performance of the fund.

4.8 The Appointed Actuary should not certify contribution rates for a family takaful scheme unless he is satisfied that it is suitable and in accordance with actuarial principles and practices consistent with the experience of the family takaful fund, and complies with the Guidelines on Family Takaful Product with regard to the actuarial basis for determination of contribution rates.

4.9 The Appointed Actuary in certifying contribution rates for a family takaful scheme shall have regard to the:

- (a) maximum rate of fees for commission, or discount allowable, under the takaful scheme; and
- (b) distribution of investment returns and such other charges payable from the takaful fund,

in respect of such family takaful scheme.

4.10 The practicable contribution rates whilst commercially justifiable may involve significant new business strain. The Appointed Actuary must be satisfied that the takaful operator will be able to set up the necessary reserves as well as any additional margin that the Appointed Actuary deemed necessary or as may be specified by the Bank, and having regard to the surplus, indicate the limits on the volume of new business that may prudently be accepted.

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Surplus Distribution

4.11 The Appointed Actuary must also report to the directors on the extent to which it would be appropriate to distribute any surplus to certificate holders or shareholders, and make recommendations for its specific allocation.

4.12 The Appointed Actuary should satisfy himself that the distribution is fair and equitable to all parties concerned. In particular, he should take into account:

- (a) Statutory requirements as the Bank may specify;
- (b) Equity between certificate holders and shareholders; and
- (c) Equity among different groups of certificate holders.

4.13 In making such a financial conditions report, the Appointed Actuary must consider the factors listed in paragraph 5.1 below and other information as may be necessary to enable the directors to judge the appropriateness of the allocation and understand the implications on the future conduct of the family takaful business. He must carry out appropriate financial investigations, including an appraisal of the relevant experience. He must justify his recommendations regarding the allocation and its consequences (if any) by reference as appropriate to:

- (a) His appraisal of relevant experience;
- (b) His understanding of the takaful operator's financial and business objectives;
- (c) His assessment of the takaful operator's continuing ability to meet its statutory requirements as the Bank may specify;
- (d) His interpretation of the reasonable expectations of the takaful operator's certificate holders having regard to (a), (b) and (c). He should assume that among the conditions for the fulfillment of those expectations are:
 - (i) that, in the recognition and allocation of surplus/profits in accordance with the takaful operator's terms and its certificate in respect of the matters referred to in paragraph 5.1(j) below,

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the grouping of the certificates are appropriately and equitably distinguished having regard, inter alia, to the terms of the certificates, their duration and their relevant overall experience; and

- (ii) that the takaful operator conducts its affairs, including its new business and investment strategies, with due regard for its financial resources.

Investment Policy

4.14 The Appointed Actuary must decide whether, in his judgment, the investment policy pursued by the takaful operator is, or could become, inappropriate having regard to the nature and term of the family takaful fund's liabilities. If this is the case, he must advise the takaful operator of the constraints on investment policy necessary to protect the position of certificate holders.

Retakaful Policy

4.15 The Appointed Actuary should have regard in his valuation to the nature of the takaful operator's retakaful arrangements, including any financing provisions implicit therein. If the retakaful arrangements are inappropriate or inadequate, he should advise the takaful operator on the modifications necessary to protect the position of the certificate holders. The Appointed Actuary should also have regard to the possibility of failure of a retakaful operator or the possibility that retakaful contracts may lapse or prove unenforceable in certain circumstances.

Solvency Testing

4.16 In addition to the evaluation of the current financial position of the family takaful fund, the Appointed Actuary should also assess the family takaful fund's continuing ability to remain solvent at all times. In this regard, the Appointed Actuary should consider all external factors (outside the control of the takaful operator) which could lead to insolvency. Using prudent judgment in these matters, the Appointed

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Actuary should perform financial projections of the assets, liabilities and cash flow of the family takaful fund to test the sensitivity of the business to adverse future experience. Arising from the projections, the Appointed Actuary would be in a better position to recommend a course of action for the takaful operator to adopt where necessary and appropriate. If the need arises, additional reserves that the Appointed Actuary deemed necessary should be maintained to safeguard the fund's solvency against possible future experience.

PART V - ACCESS TO INFORMATION

5.1 In carrying out his duties, the Appointed Actuary should consider and, if appropriate, comment or make provision for all matters material to the financial condition of the family takaful fund. These should include, amongst others, the following:

- (a) The contribution rates at which existing business has been, and current new business is being written;
- (b) The nature, terms and conditions of the certificate in force and currently being offered, with particular reference to all options, and the scope for adjusting the terms and conditions in light of emerging experience;
- (c) The existing investments, the continuing investment policy and likely future investment experience;
- (d) The marketing plans and in particular the expected volumes and acquisition cost;
- (e) The current and likely future levels of taxes;
- (f) The current and likely future experience in respect of mortality and other risk elements;
- (g) The current and likely future experience of surrender rates;
- (h) Any potential increase or decrease in management expenses;
- (i) The extent of the takaful operator's capital and any additional capital which the takaful operator is able and willing to add in further support of its operations;

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- (j) The extent of the family takaful fund's surplus;
- (k) The takaful operator's policy in regard to the nature and timing of allocations to certificate holders and/or shareholders; and
- (l) The retakaful arrangements.

5.2 The takaful operator, its director or employee should furnish its Appointed Actuary, information within its or his knowledge, which the Appointed Actuary may require and shall ensure that information furnished to the Appointed Actuary is not false or misleading in any material particular and is not incomplete. In particular, the Appointed Actuary must at all times have a right of access to the items listed in paragraph 5.1 above and all records, accounts and any other relevant information of the takaful operator which relate to his duties. He is entitled to require from the directors and officers of the takaful operator such information and explanations as he deems necessary for the performance of his duties as the Appointed Actuary of the takaful operator. If the appropriate information is not forthcoming, the Appointed Actuary's report should be qualified.

PART VI - REPORTING REQUIREMENTS

Report to the Management and Board of Directors

6.1 The Appointed Actuary should report in writing to the management any event that in his opinion has a material adverse impact on the financial position of the family takaful fund. In his report, he should outline the effect that such an event may have on the assets and/or liabilities of the fund and the recommended corrective measures. Any such report to the management should be presented by the Appointed Actuary to the Board of Directors at the earliest Board of Directors meeting.

6.2 If an Appointed Actuary becomes subject to an obligation under paragraph 6.1 above and before the Appointed Actuary reports to the management and Board of Directors, he ceases to be the Appointed Actuary of the takaful operator

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concerned, he should inform the next takaful operator's Appointed Actuary on any event that in his opinion has a material adverse impact on the financial position of the family takaful fund.

Report to the Bank

6.3 If no action is taken by the management within a reasonable period of time following a report from the Appointed Actuary as described in the preceding paragraphs, and the adverse situation persists, then the Appointed Actuary must report to the Bank the facts and notify the Board of Directors that he has done so.

PART VII - MISCELLANEOUS

Position of the Appointed Actuary in the Takaful Operator

7.1 It is likely that the Appointed Actuary may be a managerial employee of the takaful operator. In such circumstances, on occasions, he may be expressing views as a member of management. At other times, he will be advising the Board as the Appointed Actuary. He must take all reasonable steps to ensure that the other members of management, as the case may be, recognise in what capacity he is expressing these views. Considering the importance of his advice for the financial soundness of the business, the Appointed Actuary must have a right of direct access to the Board of Directors.

7.2 Notwithstanding the approval from the Bank, the Appointed Actuary must at all times ensure that there is no conflict of interest if he were to act in another capacity within the takaful operator.

Appendix: Borang Permohonan Perlantikan Aktuari Dilantik

Nota: Jika ruang yang diperuntukkan di bawah tidak mencukupi, kertas tambahan boleh dilampirkan. Sila tandatangani tiap-tiap muka surat, termasuk kertas tambahan jika berkenaan.

(A) Butir-Butir Peribadi

1. Nama Penuh: _____
2. Nama Lain: _____
3. No. Kad Pengenalan: _____
4. No. Paspot: _____
5. Kewarganegaraan: _____
6. Bangsa: _____
7. Jantina: _____
8. Taraf Perkahwinan: _____
9. Tarikh Lahir: _____
10. Tempat Lahir: _____
11. Taraf Bermastautin: _____
12. Alamat rumah:
(sekarang) _____

13. Alamat pejabat:
(sekarang) _____

(B) Butir-Butir Kelayakan

1. Kelayakan Akademik (Nyatakan Institusi atau Universiti dan tarikh kelayakan diperolehi)

2. Kelayakan Ikhtisas (Nyatakan badan aktuari berkanun dan tarikh kelayakan diperolehi)

3. Pengalaman pekerjaan yang lalu hingga sekarang:

<u>Nama Majikan</u>	<u>Nama Jawatan</u>	<u>Tarikh Perlantikan Jawatan</u>	<u>Tarikh Perletakan Jawatan</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Kedudukan Aktuari Dilantik:

Perunding

Pengarah

Kakitangan

(C) Pengalaman pemohon di pengendali takaful atau penanggung insurans (untuk diisi oleh aktuari perunding^{1/} sahaja)

1. Tarikh bila pemohon mula memberi perkhidmatan kepada pengendali takaful atau penanggung insurans.

2. Perincian kerja-kerja yang dilakukan oleh pemohon sejak beliau mula dilantik sebagai aktuari perunding pengendali takaful atau penanggung insurans.

^{1/} iaitu Aktuari yang dilantik bukan kakitangan syarikat takaful.

3. Nyatakan pengendali-pengendali takaful atau penanggung-penanggung insurans lain di mana pemohon juga merupakan aktuari perunding dan tempoh perkhidmatan di syarikat tersebut serta perincian kerja-kerja yang dilakukan.

4. Nyatakan pengendali-pengendali takaful atau penanggung-penanggung insurans lain di mana pemohon pernah memberi perkhidmatan sebagai aktuari perunding, tempoh perkhidmatan dan sebab-sebab perkhidmatan diberhentikan.

5. Sekiranya pemohon berkhidmat di Malaysia bagi tempoh kurang daripada satu tahun, sila berikan ulasan-ulasan tentang kepekaan mengenai keperluan undang-undang dan suasana ekonomi di Malaysia.

(D) Syarat-syarat perlantikan

1. Nama Jawatan: _____
2. Gaji Pokok/Fee^{2/}: _____
3. Bonus^{3/}: _____
4. Elaun-elaun^{4/}:
Jumlah Setahun: _____
5. Faedah-faedah bukan tunai^{5/}: _____
6. Faedah penamatan perkhidmatan.

7. Lain-lain faedah.

^{2/} Sila nyatakan sama ada merupakan bayaran tetap atau berdasarkan kerja-kerja yang dirujuk.

^{3/} Berikan asas pengiraan.

^{4/} Berikan perincian elaun-elaun seperti perumahan, keraian, perjalanan dan sebagainya serta asas pengiraan.

^{5/} Seperti tempat penginapan, kenderaan dan sebagainya dan berikan persamaan nilai tunai.

(E) Maklumat-maklumat lain

(Tandakan x di dalam kotak berkenaan)

1. Pernahkah pemohon dihukum oleh mahkamah atas sesuatu kesalahan dalam masa yang lampau?

Pernah

Tidak Pernah

Jika pernah, nyatakan butir-butir berikut:

Mahkamah : _____

Tarikh : _____

Jenis Hukuman : _____

2. Pernahkah pemohon ditegur, digantung atau didisplinkan oleh mana-mana badan ikhtisas yang ada kaitan dengan pekerjaan pemohon?

Pernah

Tidak Pernah

Jika pernah, nyatakan butir-butir berikut:

Nama badan tersebut : _____

Tarikh : _____

Jenis tindakan : _____

3. Pernahkah pemohon diisytiharkan muflis (bankrup) pada masa lampau?

Pernah

Tidak Pernah

Jika pernah, nyatakan butir-butir berikut:

Tarikh diisytiharkan muflis : _____

Tarikh pengisytiharan muflis ditarik balik : _____

4. Adakah pemohon mempunyai kepentingan di dalam organisasi-organisasi berikut sama ada sebagai rakan kongsi, pemilik saham, pegawai atau pengarah?

(a) Pengendali takaful atau penanggung insurans Ada Tiada
Jika ada, nyatakan nama-nama syarikat:

(b) Syarikat broker takaful atau insurans. Ada Tiada
Jika ada, nyatakan nama-nama syarikat:

(c) Syarikat penyelaras kerugian takaful atau insurans. Ada Tiada
Jika ada, nyatakan nama-nama syarikat:

(d) Agensi takaful atau insurans termasuk ejen penanggung/ ketua ejen. Ada Tiada
Jika ada, nyatakan nama-nama syarikat:

(F) Sebab-sebab perantikan Aktuari Perunding (untuk diisi oleh pengendali takaful yang melantik aktuari perunding dan aktuari yang merupakan seorang pegawai dagang aktuari asing)

1. Adakah syarikat tuan mempunyai unit/jabatan aktuari?
Nyatakan bila ia ditubuhkan dan senaraikan tugas-tugas yang dilakukan oleh unit tersebut. Sekiranya tiada, sila nyatakan bila syarikat tuan akan menubuhkan unit/jabatan aktuari di syarikat tuan?

2. Adakah syarikat tuan mempunyai pegawai-pegawai yang berkelulusan aktuari atau sedang mengikuti kursus aktuari? Sila senaraikan nama pegawai-pegawai berkenaan dan kelulusan yang diperolehi.

	<u>Nama</u>	<u>Kelulusan</u>
1.	<hr/>	<hr/>
2.	<hr/>	<hr/>
3.	<hr/>	<hr/>
4.	<hr/>	<hr/>
5.	<hr/>	<hr/>

3. Sebab-sebab mengapa syarikat tuan melantik aktuari perunding/aktuari asing?

4. Siapakah yang menguruskan tugas-tugas seorang aktuari dalam syarikat tuan sebelum permohonan ini?

5. Apakah tugas-tugas yang akan dipertanggungjawabkan kepada aktuari perunding/aktuari asing?

6. Nyatakan tempoh jangkamasa syarikat memerlukan perkhidmatan aktuari perunding/aktuari asing dan apakah rancangan masa depan tuan untuk memastikan bahawa syarikat tuan mempunyai aktuari sendiri (in-house actuary) yang dapat mengambil alih tugas aktuari perunding/aktuari asing?

(G) Perakuan Penama

Saya _____ penama yang dicadangkan untuk dilantik sebagai Aktuari Dilantik mengaku bahawa pada pengetahuan dan hemat saya semua keterangan yang diberikan di atas adalah benar dan lengkap.

Tarikh: _____

Tandatangan: _____

Nama: (_____)

(H) Perakuan Syarikat

(Perakuan ini hendaklah dibuat oleh pegawai utama pengendali takaful yang mana penama akan dilantik sebagai Aktuari Dilantik)

Saya bagi pihak _____

mengesahkan bahawa _____ telah memberi keterangan di atas dan menandatangani perakuan di atas di hadapan saya.

Cadangan perlantikan ini telah diluluskan oleh mesyuarat lembaga pengarah syarikat pada _____

Tarikh: _____

Tandatangan: _____

Nama: (_____)