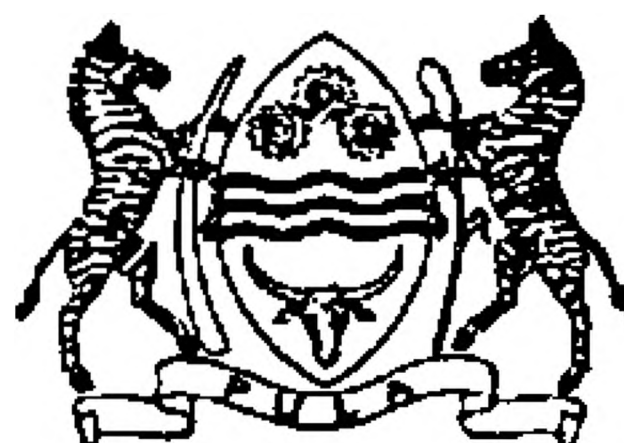


JUDGES (MISCELLANEOUS PROVISIONS) ACT, 1992

No. 13



1992

ARRANGEMENT OF SECTIONS

SECTION

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An Act to prescribe the salaries and allowances of Judges of the Court of Appeal and the High Court, to make provision for the appointment of Judges from countries outside the Commonwealth and matters ancillary thereto.

Date of Assent: 21st April, 1992.

Date of Commencement: 1st April, 1992.

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Judges (Miscellaneous Provisions) Act, 1992, and shall come into operation on 1st April, 1992.

Short title
and
commence-
ment

2. In this Act, "puisne judge" means any judge of the High Court of Botswana other than the Chief Justice.

Interpretation

3. (1) There shall be paid to the President of the Court of Appeal, in addition to the amounts specified in subsection (2), an allowance at the rate of P5 400 a year.

Remuneration
of Justices of
Appeal

(2) There shall be paid to every Justice of Appeal —

- (a) a fee of P475,20 in respect of every session of the Court of Appeal attended by that judge;
- (b) a fee of P1188 for each day necessarily occupied by the judge in travelling to the seat of the Court, attending the session of the Court, and returning home after its conclusion;
- (c) a subsistence allowance of P47,82 per day, or the cost of any hotel accommodation necessarily incurred (whichever is the greater) in respect of each day necessarily occupied in the manner specified in paragraph (b).

Remuneration
of Chief
Justice

4. The Chief Justice shall be paid —

- (a) a salary at the rate of P108 456 a year ;
- (b) in the case of a Chief Justice who is not in receipt of inducement allowance, an annual allowance calculated at the rate of 15 per cent of the salary payable under paragraph (a);
- (c) in the case of a Chief Justice whose service is not by virtue of any law pensionable, a gratuity determined in accordance with the provisions of section 6;
- (d) an entertainment allowance at the rate of P1 431 a year.

Remuneration
of
puisne judge

5. A puisne judge shall be paid —

- (a) a salary at the rate of P82 008 a year;
- (b) in the case of a judge who is not in receipt of inducement allowance, an annual allowance calculated at the rate of 15 per cent of the salary payable under paragraph (a);
- (c) in the case of a judge whose service is not by virtue of any law pensionable, a gratuity determined in accordance with the provisions of sections 6.

Accrual
and payment
of gratuity

6. A gratuity shall accrue and be payable —

- (a) at the end of each tour of service, a tour of service being a period of either two years or three years, as the case maybe, from a date beginning with a judge's assumption of office;
- (b) upon vacation of office by the judge consequent upon reaching the retiring age for judges;
- (c) upon vacation of office by the judge on medical grounds; or
- (d) upon the death of the judge whilst holding office.

Calculation
of gratuity

7. (1) A gratuity accruing and payable in accordance with the provisions of section 6 shall be calculated on the basis of the salary payable to the judge (which expression shall hereinafter include the Chief Justice) in accordance with section 4 (a) or section 5 (a), as the case may be.

(2) The gratuity shall be payable at the rate of 25 per cent for the first tour of the judge's service, 27,5 per cent for the second tour, and 30 per cent for the third and any subsequent tour.

Gratuity and
allowances
to be exempt
from income
tax

8. Any gratuity or allowance payable under this Act (other than an allowance paid in pursuance of section 4 (b) and section 5 (b)) shall be exempt from income tax.

Prescribed
country

9. For the purposes of the provisions of sections 96 (3) and 100 (3) of the Constitution, the Republic of South Africa is a prescribed country.

Repeal of
Act 25 of
1990

10. Judges (Miscellaneous Provisions) Act is hereby repealed.

PASSED by the National Assembly this 1st day of April, 1992.

C.G. MOKOBI,
Clerk of the National Assembly.