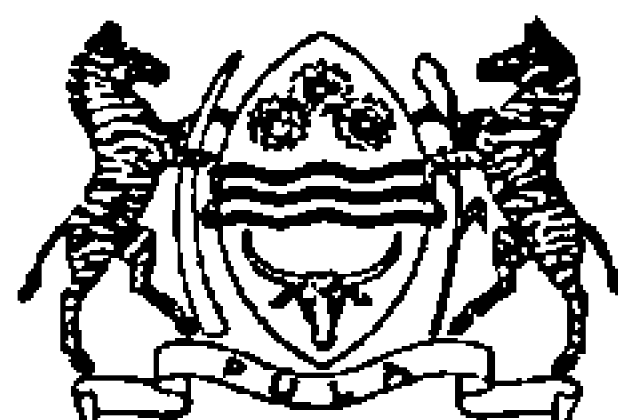


JUDGES (MISCELLANEOUS PROVISIONS) ACT, 1996

No. 6



of 1996

ARRANGEMENT OF SECTIONS

SECTION

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An Act to re-enact with amendments the Judges (Miscellaneous Provisions) Act which prescribed the salaries and allowances of Judges of the Court of Appeal and the High Court and matters ancillary thereto.

Date of Assent: 2nd April, 1996.

Date of Commencement: 1st April, 1996.

ENACTED by the Parliament of Botswana.

1. (1) This Act may be cited as the Judges (Miscellaneous Provisions) Act, 1996, and shall come into operation on 1st April, 1996.

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

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 P7 164 a year.

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

- (a) a fee of P626 in respect of every session of the Court of Appeal attended by that judge;
- (b) a fee of P1 576 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 P63,45 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).

Short title
and com-
mencement
Interpretation

Remuneration
of Justice
of Appeal

Remuneration
of Chief
Justice

4. The Chief Justice shall be paid —

- (a) a salary at the rate of P162 684 a year;
- (b) 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 7.
- (c) an intertainment allowance at the rate of P3 186 a year.

Remuneration
of puisne
judge

5. A puisne judge shall be paid —

- (a) a salary at the rate of P122 988 a year; and
- (b) 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 section 7.

Non-
pensionable ap-
pointment for
persons other-
wise eligible
for pension

6. Without prejudice to the provisions of sections 4 (b) and 5 (b), a person, otherwise eligible to be appointed to the office of Chief Justice or a judge of the High Court on pensionable terms, may be appointed on such other terms and conditions as may be determined by the President.

Accrual and
payment of
gratuity

7. 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 may be, from the 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

8. (1) A gratuity accruing and payable in accordance with the provisions of section 7 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 to be
exempt from
income tax

9. Any gratuity payable under this Act shall be exempt from income tax.

Repeal of Act
13 of 1992

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

PASSED by the National Assembly this 28th day of March, 1996.

C.T. MOMPEI,
Clerk of the National Assembly.