

**THE JUDGES (SALARIES AND ALLOWANCES) ACT, 1968**

No. 52



of 1968

**AN ACT TO PRESCRIBE THE SALARIES AND ALLOWANCES OF JUDGES OF THE COURT OF APPEAL AND HIGH COURT AND MATTERS ANCILLARY THERETO AND TO AMEND THE SPECIFIED OFFICES (SALARIES AND ALLOWANCES) LAW, 1965**

Date of Assent : 6.9.68

Date of Commencement : 13.9.68

**ENACTED** by the Parliament of Botswana.

**Short Title**

1. This Act may be cited as the Judges (Salaries and Allowances) Act, 1968.

**Interpretation**

2. In this Act –

“Chief Justice” means the Chief Justice of Botswana;

“judge of appeal” means a judge of the Court of Appeal and includes the Judge President;

“Judge President” means the President of the Court of Appeal;

“puisne judge” means any judge of the High Court of Botswana other than the Chief Justice.

### Remuneration of the Judges of Appeal

3. (1) There shall be paid to the Judge President in addition to the amounts specified in subsection (2), an allowance of R330 a year.

(2) There shall be paid to every judge of appeal –

- (a) a fee of R<sup>150</sup>~~100~~ in respect of every session of the Court of Appeal attended by that judge;
- (b) a fee of R<sup>50</sup>~~30~~ 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 R10 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 the Chief Justice

4. The Chief Justice shall be paid –

- (a) a salary of R6,810 a year;
- (b) in the case of a judge who is not –
  - (i) a citizen of Botswana; or
  - (ii) in receipt of inducement allowance under the Overseas Service (<sup>Botswana</sup> Bechuanaland Protectorate) Agreement, 1962-1970;  
<sup>1362</sup> an allowance of R~~661~~ a year.
- (c) in the case of a judge whose service is not by virtue of any law pensionable, a gratuity calculated in the manner prescribed in the Schedule;
- (d) an entertainment allowance of R<sup>650</sup>~~400~~ a year.

### Remuneration of a Puisne Judge

5. A puisne judge shall be paid –

- (a) a salary of R6,030 per annum;
- (b) in the case of a judge who is not –
  - (i) a citizen of Botswana; or
  - (ii) in receipt of inducement allowance under the Overseas Service (<sup>Botswana</sup> Bechuanaland Protectorate) Agreement, 1962-1970;  
<sup>1206</sup> an allowance of R~~600~~ a year;
- (c) in the case of a judge whose service is not by virtue of any law pensionable, a gratuity calculated in the manner prescribed in the Schedule.

### **Other Allowances**

6. (1) A judge of appeal, the Chief Justice, and a puisne judge shall be entitled to such allowances in respect of travelling on duty as are for the time being payable to officers of the public service.

(2) The Chief Justice and a puisne judge shall be entitled to such allowances in respect of travelling on leave and the education of children as are for the time being payable to officers of the public service.

### **Allowances Calculated by Reference to Public Officers' Allowances to be Subject to Same Conditions, etc.**

7. Where it is prescribed in section 6 that the holder of an office referred to therein shall be paid an allowance for the time being payable to officers of the public service, such allowance shall be calculated in the same or equivalent manner, and payment thereof shall be subject to the same or equivalent rules or conditions as for the time being apply for the calculation and payment of such allowance to officers in the public service.

### **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) or 5(b)) shall be exempt from income tax.

### **Amendment to Law No. 16 of 1965**

9. The Specified Offices (Salaries and Allowances) Law, 1965 is amended –
- (a) in section 4 by the deletion in the head-note thereof of "Chief Justice,";
  - (b) by the deletion in the Schedule of so much as relates to the office of Chief Justice.

### **SCHEDULE**

(sections 4(c) and 5(c))

1. The gratuity shall be one quarter of the amount payable under the provisions of paragraphs (a) and (b) of section 4 or paragraphs (a) and (b) of section 5 from the date when the functions of the office were assumed or when the gratuity last accrued (whichever is the later) to the date upon which the gratuity accrues, or next accrues, under the provisions of this Schedule.

2. The gratuity shall accrue –

- (a) on a date nominated by the Chief Justice or puisne judge, being a date on which he holds office not less than two years after the date when he first assumed office or upon which the gratuity last accrued;
- (b) upon the retirement of the judge upon reaching the age of sixty-two years or such other age as may be prescribed for the purposes of section 62 of the Constitution;

- (c) upon the retirement of the judge on medical grounds ;
- (d) upon the death of the judge.

Passed by the National Assembly this day, the 9th August, 1968.

**G.T. MATENGE,**  
Clerk of the National Assembly.