

JUDGES (MISCELLANEOUS PROVISIONS) ACT, 1990

No. 25



of 1990

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Interpretation
 3. Remuneration of Justices of Appeal
 4. Remuneration of Chief Justice
 5. Remuneration of Puisne Judge
 6. Gratuity and allowances to be exempt from income tax
 7. Prescribed countries
 8. Repeal of Cap. 04:03
- First Schedule
Second Schedule

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 December, 1990.

Date of Commencement: 28th December, 1990.

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Judges (Miscellaneous Provisions) Act. Short title
2. In this Act, "puisne judge" means any judge of the High Court of Botswana other than the Chief Justice. Interpre-
tation
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 P4 908 a year. Remuner-
ation of
Justice
of Appeal
 - (2) There shall be paid to every Justice of Appeal —
 - (a) a fee of P432 in respect of every session of the Court of Appeal attended by that judge;
 - (b) a fee of P1080 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;

- Remuneration of Chief Justice**
- (c) a subsistence allowance of P43,47 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).
- 4. The Chief Justice shall be paid —**
- (a) a salary at the rate of P98 592 a year;
- (b) in the case of a Chief Justice who is not —
- (i) a citizen of Botswana, or
- (ii) in receipt of inducement allowance under the Overseas Service (Botswana) Agreement, 1970, an annual allowance to be determined by the President;
- (c) in the case of a Chief Justice whose service is not by virtue of any law pensionable, a gratuity calculated in the manner prescribed in the First Schedule;
- (d) an entertainment allowance of P1 299 a year.
- Remuneration of Puisne Judge**
- 5. A puisne judge shall be paid —**
- (a) a salary at the rate of P74 544 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 (Botswana) Agreement, 1970, an annual allowance to be determined by the President;
- (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 First Schedule.
- Gratuity and allowances to be exempt from income tax**
- 6. Any gratuity or allowance payable under this Act (other than an allowance paid in pursuance of section 4(b) and 5(b) shall be exempt from income tax.**
- Prescribed countries**
- 7. Any country listed in the Second Schedule, being a country outside the Commonwealth, is prescribed for the purposes of section 96(3) and 100(3) of the Constitution.**
- Repeal of Cap. 04:03**
- 8. Judges (Miscellaneous Provisions) Act is hereby repealed.**

FIRST SCHEDULE
(Section 4(c) and 5(c))

1. The gratuity shall be calculated on the basis of the total emoluments 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.
3. The gratuity shall accrue and be payable —
- (a) at the end of each tour of service;
- (b) periodically at such period, being not less than two years, from a date beginning with his assumption of office, or since the last payment of gratuity, as the judge may nominate;

- (c) upon vacation of office by the judge consequent upon reaching the retiring age for judges;
- (d) upon vacation of office by the judge on medical grounds; or
- (e) upon the death of the judge whilst holding office.

SECOND SCHEDULE
(section 7)
The Republic of South Africa

PASSED by the National Assembly this 12th day of December, 1990.

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