

**JUDGES (MISCELLANEOUS PROVISIONS)
(AMENDMENT) ACT, 2012**

No. 3



of 2012

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 2 of Cap. 04:03
3. Amendment of section 3 of the Act
4. Amendment of section 4 of the Act
5. Amendment of section 7 of the Act

An Act to amend the Judges (Miscellaneous Provisions) Act.

Date of Assent: 10th April, 2012

Date of Commencement: 1st April, 2012

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Judges (Miscellaneous Provisions) (Amendment) Act, 2012, and shall come into operation on 1st April, 2012.

2. Section 2 of the Judges (Miscellaneous Provisions) Act (referred to in this Act as the "Act") is amended by substituting for the section, the following new section —

"Remuneration
of Justice of
Appeal

2. (1) There shall be paid to a resident President of the Court of Appeal —

- (a) a salary at the rate of P550, 170 a year; and
- (b) an entertainment allowance at the rate of P12, 653.91 a year.

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

- (a) a salary at the rate of P526, 728 a year; and
- (b) an entertainment allowance at the rate of P12, 114. 74 a year.

(3) There shall be paid to a resident President of the Court of Appeal or a resident Justice of Appeal whose service is not by virtue of any law pensionable, a gratuity determined in accordance with the provisions of section 6.

(4) There shall be paid to a non-resident President of the Court of Appeal, in addition to the amounts specified in subsection (5), an allowance at the rate of P28, 400 a year.

Short title and
commencement

Amendment
of section 2 of
Cap. 04:03

(5) There shall be paid to every non-resident Justice of Appeal —

- (a) a fee of P7, 100 in respect of every session of the Court of Appeal attended by that judge;
- (b) a fee of P5, 920 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; and
- (c) a subsistence allowance of P355 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).

(6) For purposes of this section, “resident justice” means a judge of the Court of Appeal appointed on pensionable terms or contract whose conditions of service attract a salary and “non-resident justice” means a judge of the Court of Appeal appointed on contract whose conditions of service attract an allowance.”.

Amendment
of section 3
of the Act

3. Section 3 of the Act is amended —

- (a) in paragraph (a), by substituting for the words “P506, 268”, the words “P573, 612”;
- (b) in paragraph (b), by substituting for the word “7” appearing therein, the word “6”; and
- (c) in paragraph (c), by substituting for the words “P4, 980”, the words P13, 236”.

Amendment
of section 4
of the Act

4. Section 4 of the Act is amended —

- (a) in paragraph (a), by substituting for the words “P444, 108”, the words “P503, 184”; and
- (b) in paragraph (b), by substituting for the word “7” appearing therein, the word “6”.

Amendment
of section 7
of the Act

5. Section 7 of the Act is amended by substituting for the section the following new section —

“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 and the President of the Court of Appeal), in accordance with sections 2 (1), 2 (2), 3 (a) or 4 (a), as the case may be.”.

PASSED by the National Assembly this 30th day of March, 2012.

BARBARA N. DITHAPO,
Clerk of the National Assembly.