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From Michael Butte of Regention Ring with an 112211571

GOVERNMENT OF ZAMBIA emolented signal are

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An Act to provide for the emoluments, pensions and other conditions of service for Judges and to provide for matters connected with or incidental to the foregoing.

[1st April, 1996

ENACTED by the Parliament of Zambia.

# PART I

### PRELIMINARY

1. (1) This Act may be cited as the Judges (Conditions of Service) Act, 1996, and shall come into force on such date as the President may, by statutory instrument, appoint.

Short title. ment and

- (2) This Act shall-
  - (a) apply to a judge; and
  - (b) for the purposes of entitlement to any pension and gratuity, shall apply to any judge who has retired or died after the 1st June, 1995.
- In this Act, unless the context otherwise requires—
  - " appropriate authority " means the Judicial Service Commission:
  - "dependant" in relation to the deceased means a person whose livelihood solely depended on the deceased immediately prior to death;
  - " emoluments " means salary and allowances;
  - "Judge" means a Judge of the Supreme Court, a puisne Judge, and the Chairman and Deputy Chairman of the Industrial Relations Coun;
  - Situation for an entit pensionable emoluments," means salary and any special addition to salary granted without any condition that it shall not count for the purpose of calculating pension.

Enactment

commenceapplication

Interpretation

### PART I

# EMOLUMENTS AND BENIFITS ON RESIGNATION, RETIREMENT OR DISMISSAL

**Emoluments** 

3. There shall be paid to a Judge such emoluments as the President may, by statutory instrument, prescribe.

Benefits on retirement, resignation and dismissal of Judge

- 4. (1) A Judge shall retire in accordance with the provisions of the Constitution.
  - (2) Upon retirement, a Judge shall-
    - (a) be entitled to a gratuity comprising sixty months of the basic salary last received while in office; and
    - (b) until his death, continue to receive eighty percentum of the basic salary payable to a person holding the same or equivalent office as that held upon retirement.
- (3) Where a Judge resigns after serving for a period of not less than tens years, he shall be entitled to—
  - (a) a gratuity comprising thirty months of the basic salary last received while in office; and
  - (b) a lump sum calculated as follows:

 $SC + (SC \times I \times Y);$ 

Where SC=the sum of his contributions: '

l=interest at current Central Bank deposit rate;

Y=the number of completed years in respect of which he has contributed.

- (4) Where a Judge resigns after serving for a period of less than ten years, he shall be entitled to—
  - (a) a gratuity comprising lifteen months of the basic salary last received while in office; and
  - (b) a lump sum calculated in accordance with paragraph (b) of subsection (3).
- (5) A Judge who vacates his office on disciplinary grounds shall be entitled to a refund of his contributions plus interest at the current Central Bank deposit rate.

Retirement on grounds of ill health

5. (1) Where, after serving for a period of not less than ten years, a Judge retires on medical evidence to the satisfaction of the appropriate authority that he is incapable by reason of infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent, he shall, with effect from the date of his retirement, be entitled—

# THE JUDGES (CONDITIONS OF SERVICE) ACT, 1996

**ARRANGEMENT OF SECTIONS** 

## **Preliminary**

- 1. Short title, commencement and application
- 2. Interpretation

# PART II to 👈

# EMOLUMENTS AND BENEFITS ON RESIGNATION, RETIREMENT OR DISMISSAL

- 3. Emoluments
- 4. Benefits on retirement, resignation and dismissal of Judge 5. Retirement on grounds of ill health
- 6. Benefits following death

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- 7. Appointment of Judge from Public Service
- 8. Existing arrangements
- 9. Administration in the second of the secon
- 10. Contributions of the second of the Country
- 11. Payments from General Revenues.
- 12. Regulations
- er er eri 13. Repeal of certain provisions in Act No. 43 of 1993

Addition to the same of the BORRER OF THE PARTY OF STANKING perquisites of office and other conditions of service of a Judge, including but not limited to the followingin (2). Any person serving as Judge who belo

- (a) car loans;
- of this Act was appointed from the Public Se oilde (b) housing allowance; and all and an impossible to the converge to the
  - (c) non-private practice allowance;
- bard a company of the design of the property o
- (e) travelling on duty. In a file a first both the both travelling on duty.

Repeal of certain provisions in Acı No. 43 of 1993

13. From the commencement date, the Constitutional Offices (Emoluments) Act, 1993, shall stand repealed in so far as it applies to the salary of the Chief Justice, Deputy Chief Justice, Judges of the Supreme Court and Judges of the High Court,

(4) The reminal benefits deferred under subsection (1) shall be administered in accordance with the law relating to the pensions of

To the avoidance of doubte the provisions of this Act shall coverride any contractual or other of heral arrangement relating to the le rentement or other conditions of service of a serving Judge subsist-

the someone public of ucox shall also be responsible for the

sandrages his representative constitute towards the cost of the pension

cheme describer inchis Actes the rate of seven and one quarter per surrium of his pensionable encluments or at such other rate as the

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the Minister in consultation with that institution following the advice of an actuary appointed by the institution.

12. (1) The President may, by statutory instrument, make regulations for the netter carrying out of the provisions of this Act

> without projudice to the generality of subsection (1), the President may, by statutory instrument, make regulations prescribing the