

GOVERNMENT OF ZAMBIA

ACT

No. 14 of 1996

Date of assent: 1st April, 1996

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.

Enactment

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,
commence-
ment and
application

(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.

2. In this Act, unless the context otherwise requires—

Interpreta-
tion

"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 Court;

"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.

PART II

EMOLUMENTS AND BENEFITS 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 per centum 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 ten 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;

I=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 fifteen 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

PART I

PRELIMINARY

1. Short title, commencement and application
2. Interpretation

PART II

**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
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PART III

MISCELLANEOUS

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

perquisites of office and other conditions of service of a Judge, including but not limited to the following—

- (a) car loans;
- (b) housing allowance;
- (c) non-private practice allowance;
- (d) funeral assistance;
- (e) travelling on duty.

Repeal of
certain
provisions in
Act 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.

Existing
provisions
continue

Administrative
provisions

Constitutional
provisions

Payments
from
General
Revenues

Regulations

(4) The emoluments payable to a Judge shall be administered in accordance with the law relating to the pensions of public officers.

8. For the avoidance of doubt, the provisions of this Act shall not apply to any contract of service entered into by a Judge before the commencement of this Act.

9. The Minister responsible for the administration of the law shall be responsible for the administration of the provisions of this Act.

10. A Judge shall be entitled to a pension payable to him or her on retirement or on the death of the Judge, in accordance with the law relating to the pensions of public officers.

11. The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

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