



JUDICIARY (AMENDMENT) ACT, 2013

(Act 28 of 2013)

I assent

J. A. Michel
President

31st December, 2013



AN ACT to amend the Judiciary Act (Act 9 of 2008).

ENACTED by the President and the National Assembly.

1.(1) This Act may be cited as the Judiciary (Amendment) Act, 2013.

Short title and commencement

(2) It shall come into operation on the 1st day of July, 2014.

Amendment of
Act 9 of 2008

2. The Judiciary Act is hereby amended as follows—

(a) in section 3(1)—

(I) in paragraph (a) by repealing subparagraphs (i) and (ii) and substituting therefor, the following paragraphs, namely—

“(i) a monthly salary of a sum specified at step 1 of salary band-18 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;

(ii) free Government housing or housing allowance of SCR25,000 in lieu thereof;”;

(II) in paragraph (b) by repealing the words “monthly salary of that office”, and substituting therefor the words, brackets and letters “monthly salary in that salary band, referred to in paragraph (a)(i), at which the person ceased to hold office as such”;

(b) in section 4(1)—

(I) in paragraph (a) by repealing subparagraphs (i) and (ii) and substituting therefor, the following paragraphs, namely—

“(i) a monthly salary of a sum specified at step 1 of salary band-17 of the Public Service Salary

Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;

(ii) free Government housing or housing allowance of SCR25,000 in lieu thereof;”;

(II) in paragraph (b) by repealing the words “monthly salary of that office”, and substituting therefor the words, brackets and letters “monthly salary in that salary band, referred to in paragraph (a)(i), at which the person ceased to hold office as such”;

(c) by repealing section 5 and substituting therefor the following section, namely—

“Salary of
President and
Justices of
Court of
Appeal

5. Where the President of the Court of Appeal or a Justice of Appeal is not resident in Seychelles, there shall be paid—

- (a) to the President of the Court of Appeal, the 2/3rd of the salary specified in section 3(1)(a)(i);
- (b) to the Justice of Appeal, the 2/3rd of the salary specified in section 4(1)(a)(i);
- (c) when they attend a session of the Court of Appeal, the whole of the salary payable to the President or the Court of Appeal or the Justice of

Appeal, as the case may be,
for that session;

- (d) gratuity of 25% of the total salary paid during each calendar year.”;

(d) in section 8(1)—

- (i) by repealing paragraphs (a) and (b) and substituting therefor, the following paragraphs, namely—

“(a) a monthly salary of a sum specified at step 1 of salary band-18 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;

(b) free Government housing or housing allowance of SCR25,000 in lieu thereof;”;

- (ii) in paragraph (g) by repealing the words “monthly salary of that office”, and substituting therefor the words, brackets and letter “monthly salary in that salary band, referred to in paragraph (a), at which the person ceased to hold office as such”;

(e) in section 9(1)—

- (i) by repealing paragraphs (a) and (b) and substituting therefor, the following paragraphs, namely—

- “(a) a monthly salary of a sum specified at step 1 of salary band-17 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
- (b) free Government housing or housing allowance of SCR25,000 in lieu thereof;”;
- (ii) in paragraph (g) by repealing the words “monthly salary of that office”, and substituting therefor the words, brackets and letter “monthly salary in that salary band, referred to in paragraph (a), at which the person ceased to hold office as such”;
- (f) in section 10 by repealing the words “free government housing and”;
- (g) in section 11(1)—
 - (i) by repealing paragraph (a) and substituting therefor, the following paragraph, namely—
 - “(a) a monthly salary of a sum specified at step 1 of salary band-16 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;”;

- (h) by inserting after section 12 under Part IV, the following new sections, namely—

"Number of years in office to be taken into consideration

12A. The salary of a person in office under this Act, on the commencement of the Judiciary (Amendment) Act, 2013, shall be the salary in the respective salary band depending on the number of years that the person has held office as such under the Constitution after the 21st June, 1993.

Re-fixation of pension

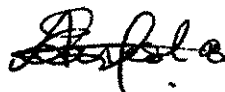
12B. The pension of a person, who is in receipt of such pension under section 3(1)(b), 4(1)(b), 8(1)(g) or 9(1)(g) on the date of the commencement of the Judiciary (Amendment) Act, 2013, shall, on such commencement, be re-fixed based on the salary that the person would have earned in the respective salary band depending on the number of years the person would have held the office as such had the person ceased office on the date of such commencement.

No person to be affected adversely

12C. No person shall, on the commencement of the Judiciary (Amendment) Act, 2013, be affected adversely and shall continue to enjoy the salary, gratuity or pension no less favourable than those enjoyed by them before such commencement.”;

- (i) by repealing section 13.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 19th December, 2013.



Azarel Ernesta
Clerk to the National Assembly