

CHAPTER 7:08

JUDGES SALARIES, ALLOWANCES AND PENSIONS ACT

(Will be amended by the Judicial Service Act[Chapter7:18](No.10 of 2006)when it comes into operation)

Acts 16/1964, 2/1969, 50/1971, 34/1972, 14/1974, 11/1975, 29/1981 (s. 59), 24/1987 (s. 7), 11/1991(s. 5), 3/1994, 6/2005 (s 4); R.G.N. 386/1964

AN ACT to prescribe the salaries of judges and acting judges of the Supreme Court and the High Court; and to make provision in regard to the payment of allowances to those judges and acting judges and in regard to the payment of pensions to those judges and their widows.

[Date of commencement: 19th May, 1964.]

1 Short title

This Act may be cited as the Judges Salaries, Allowances and Pensions Act [*Chapter 7:08*].

2 Interpretation

In this Act—

“Chief Justice” means the Chief Justice of Zimbabwe;

“pension benefit” means a pension, commutation of pension, gratuity or other like allowance or refund of pension contributions, including any interest payable thereon, for a person in respect of his service as a judge or in respect of any ill-health or injury arising out of and in the course of his official duties or for any spouse, child, dependant or personal representative of such a person in respect of such service, illhealth or injury.

3 Remuneration of judges

(1) There shall be paid to the Chief Justice, the judges of the Supreme Court, the Judge President of the High Court and the other judges of the High Court, and to any person or judge acting in any of those capacities, a salary at such rate as may in each class or case be fixed from time to time by the President.

(2) A judge, including an acting judge, may be paid such allowances or may be granted such benefits or privileges as may be approved by the President.

(3) The salaries and allowances referred to in this section shall be paid out of the Consolidated Revenue Fund which is hereby appropriated to the purpose.

4 Pensions

(1) The President shall fix the terms and conditions subject to which pensions benefits shall be paid.

(2) Any pension benefit payable in terms of this section shall be paid out of the Consolidated Revenue Fund which is hereby appropriated to the purpose.

(2a) The Minister shall as soon as is practicable publish by notice in the *Gazette* the terms and conditions fixed by the President under subsection (1) subject to which pension benefits shall be paid.

[Subsection as inserted by section 4 of Act 6 of 2005]

(3) Subject to the Maintenance Act [*Chapter 5:09*] and to Part VI of the Children’s Act [*Chapter 5:06*], a pension benefit payable in terms of this section, or any right to such a benefit, shall not—

(a) be capable of being assigned, ceded or otherwise transferred or of being pledged or hypothecated; or (b) be liable to be attached or subjected to any form of execution under a judgment or order of a court; or (c) form part of the insolvent estate of the beneficiary.

[Subsection as amended by section 4 of Act 6 of 2005]

(4) The provisions relating to the payment of a pension to a judge or the widow of a judge which had been approved by the President in terms of subsection (2) of section *three* and were applicable immediately before the 27th October, 1972, shall be deemed to have been fixed in terms of subsection (1), and the provisions of subsections (2) and (3) shall apply thereto.

(5) For the avoidance of doubt, the pension scheme that was approved on the 22nd October, 1997, and amended from time to time in terms of this section before its amendment by the General Laws Amendment Act, 2005, shall continue in force with effect from that date.

[Subsection as inserted by section 4 of Act 6 of 2005]

5 Review of benefits

(1) Whenever a general increase in salaries is awarded or is to be awarded to persons employed in the Public Service, the Minister responsible for finance shall review the level of all salaries, allowances and other benefits provided for in terms of this Act.

(2) If the Minister responsible for finance, after a review in terms of subsection (1), determines that the salaries, allowances or other benefits or any class thereof should be increased, he shall report to the President, recommending whether any of the salaries, allowances or other benefits should be increased and, if so, the extent to which they should be increased and the date from which the increase should become effective.

(3) On receipt of a report in terms of subsection (2), the President may increase any salary, allowance or other benefit provided for in terms of this Act.