

Namibia

Judges' Remuneration Act, 1990

Act 18 of 1990

Legislation as at 1 April 2018

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Judges' Remuneration Act, 1990

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Republic of Namibia
Annotated Statutes

Judgesâ Remuneration Act, 1990

Act 18 of 1990

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Commenced on 1 April 1990

[This is the version of this document from 1 April 2018 and includes any amendments published up to 1 September 2023.]

[Amended by Judgesâ Remuneration Amendment Act, 1994 (Act 24 of 1994) on 1 April 1994]

[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 2 of 1999) on 1 April 1998]
[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 14 of 2003) on 1 April 2003]
[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 11 of 2007) on 1 April 2007]
[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 10 of 2012) on 1 April 2012]
[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 6 of 2014) on 1 April 2014]
[Amended by Amendment of second schedule to Judgesâ Remuneration Act, 1990 (Proclamation 5 of 2015) on 13 October 2014]
[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 45 of 2015) on 1 April 2016]
[Amended by Amendment of Second Schedule to Judgesâ Remuneration Act, 1990 (Proclamation 10 of 2018) on 1 April 2018]

ACT

To provide for the remuneration of judges; the granting of additional service benefits to them; for the making available of motor vehicles to them; and for matters connected therewith.

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

1. Definitions

In this Act, unless the context indicates otherwise, "judge" means any person holding, or any person who at the date of commencement of this Act, held the office of -

- (a) Chief Justice or additional judge of the Supreme Court of Namibia; or
- (b) Judge-President or additional judge of the High Court of Namibia.

2. Remuneration of judges

- (1) Any person who holds office as a judge, whether in an acting or ad hoc or permanent capacity, shall in respect thereof be paid an annual non-taxable allowance and a monthly salary at the rates specified in the second column of the First and Second Schedule, respectively, opposite the designation of the office in which the judge concerned serves.

[subsection (1) amended by Act 24 of 1994]

- (2) Any salary and allowance payable in terms of subsection (1), shall be paid from the State Revenue Fund out of moneys appropriated by the National Assembly for that purpose.

3. Amendment of First Schedule

[Section 3(1) was amended by Act 24 of 1994 to give the President power to amend the Second Schedule rather than the First Schedule by Proclamation, but the heading of section 3 was not amended accordingly; it should have been changed to read "Amendment of Second Schedule".]

- (1) The President, acting on recommendation of the Judicial Service Commission, may by proclamation in the Gazette amend the second column of the Second Schedule so as to increase the rates specified therein.

[subsection (1) amended by Act 24 of 1994]

- (2) A proclamation in terms of subsection (1) may be issued with retrospective effect as from a date which may not be earlier than one year prior to the date of the proclamation.

4. Date of commencement of tenure of office of judge

The date of commencement of the tenure of office of a judge shall be the date of his or her appointment as such by the President.

5. Regulations

- (1) The President may, after consultation with the Judicial Service Commission, make regulations as to additional service benefits of judges.
- (2) Any benefit payable in terms of any regulation made under subsection (1), shall be paid from the State Revenue Fund out of moneys appropriated by the National Assembly for that purpose.

6. Making available of motor vehicles to judges

A motor vehicle owned by the State may on such conditions as the President may determine, be made available to any person who holds office as a judge in a permanent or acting capacity, for use, in accordance with directions so determined, in the course of his or her official functions as well as for his or her private purposes.

7. Repeal of laws and saving

- (1) Subject to the provisions of subsection (2), the laws specified in the Second Schedule are hereby repealed.

[Act 24 of 1994 added a new Schedule to the Act and made the existing Second Schedule into the Third Schedule. However, subsection 7(1) was not amended accordingly; it should now refer to the Third Schedule.]

- (2) Any direction determined under any provision of any law repealed by subsection (1), shall, unless such direction is inconsistent with the provisions of this Act, be deemed to have been determined under the corresponding provision of this Act.
- (3) For the purposes of this Act, any directions in force by virtue of the provisions of subsection (2), shall be construed in accordance with the provisions of this Act, in so far as they relate to those provisions, unless it would in any particular case be obviously inappropriate.
- (4) Any right or benefit acquired or accrued under a provision of any law repealed by subsection (1), or the regulations made thereunder shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been acquired or accrued under the corresponding provision of this Act or the regulations made thereunder.

8. Short title

This Act shall be called the Judges' Remuneration Act, 1990, and shall be deemed to have come into operation on 1 April 1990.

FIRST SCHEDULE

(Section 2(1))

[amended by Proc. 12 of 1994, which was repealed without ever becoming effective, then substituted by Act 24 of 1994]

Designation of Office	Non-taxable allowance per annum
Chief Justice	N\$17 500
Additional judge of the Supreme Court	N\$10 000
Ad hoc judge of the Supreme Court	An allowance at the same rate as that of an additional judge of the Supreme Court, proportionate to the period during which he or she acts as an ad hoc judge
Judge-President	N\$15 000
Additional judge of the High Court	N\$10 000

SECOND SCHEDULE**(Section 2(1))**

[inserted by Act 24 of 1994 and, under the authority of section 3 of the Act, amended by Proc. 2 of 1999, and substituted by Proc. 14 of 2003, Proc. 11 of 2007, Proc. 10 of 2012, Proc. 6 of 2014, Proc. 5 of 2014, Proc. 45 of 2015 and Proc. 10 of 2018]

Designation of Office	Salary per annum
Chief Justice	1 706 144
Deputy Chief Justice	1 645 406
Supreme Court Judge	1 540 896
Supreme Court Acting Judge	Salary equal to that of a Supreme Court Judge proportionate to the period during which he or she acts as Acting Judge
Supreme Court <i>ad hoc</i> Judge	Salary equal to that of Supreme Court Judge proportionate to the period during which he or she acts as <i>ad hoc</i> Judge
Deputy Judge-President	1 354 556
High Court Judge	1 248 636
High Court Acting Judge	Salary equal to that of a High Court Judge proportionate to the period during which he or she acts as Acting Judge

THIRD SCHEDULE**REPEAL OF LAWS****(Section 7(1))**

[Act 24 of 1994 made the Second Schedule of the original Act into the Third Schedule.]

No. and year of Law	Short Title
Act 16 of 1981	Judges' Remuneration Act, 1981
Act 10 of 1982	Judges' Remuneration Amendment Act, 1982
Proclamation AG. 25 of 1984	Judges' Remuneration Amendment Proclamation, 1984
Act 24 of 1986	Judges' Remuneration Amendment Act, 1986
Act 18 of 1987	Judges' Remuneration Amendment Act, 1987
Act 5 of 1988	Judges' Remuneration Amendment Act, 1988