

Namibia

Judges' Remuneration Act, 1990

Regulations relating to Conditions of Service of Judges, 2015

Proclamation 28 of 2015

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Regulations relating to Conditions of Service of Judges, 2015

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Republic of Namibia
Annotated Statutes

Judges' Remuneration Act, 1990

Regulations relating to Conditions of Service of Judges, 2015
Proclamation 28 of 2015

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1. Definitions

In these regulations any word to which a meaning has been given in the Act has that meaning and, unless the context indicates otherwise-

“actual service” includes-

- (a) every period of administrative recess;
- (b) every period of leave granted under regulation 3(1), but not leave referred to in regulations 2(3) and 3(2);
- (c) continuous service as acting judge immediately before assuming office as a judge in a permanent capacity;
- (d) uninterrupted service after termination of active service;

“administrative recess” means every period falling outside the term of the court;

“Chief Justice” means the Chief Justice of the Supreme Court;

“court” means the High Court or the Supreme Court, as the case may be;

“Deputy-Chief Justice” means the Deputy-Chief Justice of the Supreme Court;

“effects” means the movable property of a judge and of his or her family normally applied to personal use, including not more than two motor vehicles, but excluding livestock, domestic animals and pets;

“family” means the spouse in a civil marriage or a customary law union and any child or adopted child of a judge who is not self-supporting;

“**Head of Court**”, in relation to the Supreme Court, means the Chief Justice and, in relation to the High Court, means the Judge-President;

“**judge**”, in relation to regulations 2(1) and (3) and 11(2)(b) and (c), does not include an acting judge or an *ad hoc* judge of the Supreme Court appointed under Article 82(2), or an acting judge of the High Court appointed under Article 82(3) of the Namibian Constitution;

“**Judge-President**” means the Judge-President of the High Court;

“**Judiciary**” means the Supreme Court and the High Court referred to in Article 78(1)(a) and (b) of the Namibian Constitution respectively and the magistrates’ courts established under the Magistrates’ Courts Act, 1944 (Act [No. 32 of 1944](#));

“**leave**” means leave of absence on full pay unless expressly indicated otherwise;

“**legal practitioner**” means a legal practitioner as defined in section 1 of the Legal Practitioners’ Act, 1995 (Act [No. 15 of 1995](#));

“**Minister of Justice**” includes a staff member of the Ministry of Justice acting on the authority of the Minister of Justice;

“**official duties**” means duties as a judge when on active service;

“**official motor vehicle**” means a motor vehicle owned by the State made available for use to a judge in accordance with regulation 7;

“**official residence**” means a residence provided by the Government to a judge in terms of regulation 4;

“**Public Service Grading**” means the grading assigned to posts in the public service in terms of the Public Service Act, 1995 (Act [No. 13 of 1995](#));

“**registrar**” means the registrar of the High Court or registrar of the Supreme Court, as the case may be, and includes an assistant registrar;

“**seat of the court**” means the seat of the High Court or Supreme Court at Windhoek or, in the case of a judge of the High Court assigned for duties to a division of the High Court situated at another place in Namibia, the court at such place;

“**the Act**” means the Judges’ Remuneration Act, 1990 (Act [No. 18 of 1990](#)); and

“**term**”, in relation to a court, means the term for the holding of courts, determined-

- (a) in relation to the Supreme Court, under section 37(1)(a) of the Supreme Court Act, 1990 (Act [No. 16 of 1990](#)); and
- (b) in relation to the High Court, under section 39(2)(a) of the High Court Act, 1990 (Act [No. 15 of 1990](#)).

2. Leave of absence

(1) The-

- (a) President must grant to the Chief Justice;
- (b) Chief Justice must grant to the Deputy-Chief Justice or to a judge of the Supreme Court; and
- (c) Judge-President must grant to a judge of the High Court,

leave of not less than 50 days per annum during an administrative recess of the court, to the extent that the judge’s services are in the opinion of the President, the Chief Justice or the Judge-President, as the case may be, not required during the recess.

- (2) Subject to subregulation (1), the Chief Justice and the Judge-President, respectively must, not more than one month before the commencement of an administrative recess of the court, determine whether and when the services of a judge will be required during the recess.
- (3) In addition to the leave referred to in subregulation (1)-
 - (a) the President must grant to the Chief Justice;
 - (b) the Chief Justice must grant to the Deputy-Chief Justice or a judge of the Supreme Court; and
 - (c) the Judge-President must grant to a judge of the High Court,leave for a period of three months for every period of four years actual service completed by the judge as soon as his or her services are not required.
- (4) Leave to which a judge is entitled under this regulation is not accumulative and no salary or allowance may be claimed in respect of any leave which could have been taken but which was not utilised.
- (5) Despite subregulation (4), payment of an allowance in lieu of leave contemplated in that subregulation, calculated on the basis of the basic salary of the particular judge may, on good work-related cause shown, be authorised by-
 - (a) the President, in respect of the Chief Justice;
 - (b) the Chief Justice, in respect of the Deputy-Chief Justice or any other judge of the Supreme Court;
 - (c) the Judge-President, in respect of any judge of the High Court,but only if, in respect of any such court, sufficient funds are available on the annual budget of the Judiciary for that purpose.
- (6) The registrar must keep a record of all leave granted to the judges of the court concerned.

3. Sick-leave and special leave

- (1) If, according to a certificate of a medical practitioner, a judge is incapacitated due to illness or injury to perform his or her duties for a specified period-
 - (a) the President, in the case of the Chief Justice;
 - (b) the Chief Justice, in the case of the Deputy-Chief Justice or a judge of the Supreme Court; or
 - (c) the Judge-President, in the case of a judge of the High Court,may grant the judge sick-leave for that period.
- (2) If, in a specific case-
 - (a) the President, in the case of the Chief Justice;
 - (b) the Chief Justice, in the case of the Deputy-Chief Justice or a judge of the Supreme Court; or
 - (c) the Judge-President, in the case of a judge of the High Court,is satisfied that exceptional circumstances exist which warrant that a judge be granted leave for which no provision is made in these regulations, he or she may grant leave to that judge for such period as may be appropriate, and may determine whether it be leave with full, reduced or no remuneration.

4. Accommodation

- (1) A judge who is ordinarily resident in Namibia is entitled to be provided with suitable accommodation by the Government in an official residence at Government expense.
- (2) A judge who occupies an official residence is liable for the payment of the local authority charges for electricity supply and refuse removal in respect of that residence, but all other charges, rates and taxes must be borne by the Government.
- (3) A judge, who is not ordinarily resident in Namibia, is entitled to be provided with suitable accommodation at Government expense.

5. Allowances

- (1) A judge who is ordinarily resident in Namibia and who does not occupy an official residence is entitled to be paid a housing allowance-
 - (a) in the case of the Chief Justice, equal to the housing allowance payable to the Prime Minister;
 - (b) in the case of the Deputy-Chief Justice, equal to the housing allowance payable to a Deputy-Prime Minister;
 - (c) in the case of a Deputy-Judge President or a judge of the Supreme Court, equal to the housing allowance payable to a Minister; and
 - (d) in the case of a judge of the High Court, equal to the housing allowance payable to a Deputy-Minister.
- (2) A judge is entitled to be paid a telephone allowance of N\$250 per month.
- (3) The Chief Justice and the Deputy-Chief Justice are entitled to be paid an entertainment allowance of N\$5 000 and N\$4 000 per annum, respectively.
- (4) Judges are entitled to be provided with judges' robes which must be purchased and cleaned by the registrar from funds allocated for that purpose in the budget of the Judiciary.
- (5) A judge travelling on an official journey outside Namibia is entitled to be paid subsistence allowances and travel expenses-
 - (a) in the case of the Chief Justice, equal to the subsistence allowances and travel expenses payable to the Prime Minister;
 - (b) in the case of the Deputy-Chief Justice, equal to the subsistence allowances and travel expenses payable to a Deputy-Prime Minister;
 - (c) in the case of a Deputy-Judge President or a judge of the Supreme Court, equal to the subsistence allowance and travel expenses payable to a Minister; and
 - (d) in the case of a judge of the High Court, equal to the subsistence allowances and travel expenses payable to a Deputy-Minister,except to the extent that the judge is paid in respect of that journey a subsistence allowance and travel expenses by a body or institution other than the Government.
- (6) A judge who performs official duties at a place in Namibia other than the seat of the court is, during the period of actual absence from the seat of the court including intervals during which the judge returns to the seat of the court while remaining committed in respect of accommodation at such other place, entitled to subsistence allowances and travel expenses-
 - (a) in the case of the Chief Justice, equal to the subsistence allowances and travel expenses payable to the Prime Minister;

- (b) in the case of the Deputy-Chief Justice, equal to the subsistence allowances and travel expenses payable to a Deputy-Prime Minister;
 - (c) in the case of a Deputy-Judge President or a judge of the Supreme Court, equal to the subsistence allowances and travel expenses payable to a Minister; and
 - (d) in the case of a judge of the High Court, equal to the subsistence allowances and travel expenses payable to a Deputy-Minister.
- (7) A judge is entitled to be paid a furniture allowance-
 - (a) in the case of the Chief Justice, equal to the furniture allowance payable to the Prime Minister;
 - (b) in the case of the Deputy-Chief Justice, equal to the furniture allowance payable to a Deputy-Prime Minister;
 - (c) in the case of a Deputy-Judge President or a judge of the Supreme Court, equal to the furniture allowance payable to a Minister; and
 - (d) in the case of a judge of the High Court, equal to the furniture allowance payable to a Deputy-Minister.
- (8) A judge is entitled to be paid an electricity and water allowance to cover water and electricity supply charges-
 - (a) in the case of the Chief Justice, equal to the electricity and water allowance payable to the Prime Minister;
 - (b) in the case of the Deputy-Chief Justice, to the electricity and water allowance payable to the Deputy-Prime Minister;
 - (c) in the case of a Deputy-Judge President or a judge of the Supreme Court, equal to the electricity and water allowance payable to a Minister; and
 - (d) in the case of a judge of the High Court, equal to the electricity and water allowance payable to a Deputy-Minister.

6. Safety and security

- (1) On request by a judge the Government must provide security at Government expense to safeguard and protect the residence of the judge for such duration and at such times as the judge may require.
- (2) In the case of safeguarding and protecting the person of a judge, the Government may provide such security at the request of a judge and on the recommendation of the Chief Justice to the Minister responsible for safety and security.
- (3) The Chief Justice and the Deputy-Chief Justice are each entitled to be provided with close body protection agents at their duty stations and when travelling within or outside Namibia by the Ministry responsible for safety and security or by such other body or authority that may be assigned that function by the President.

7. Official vehicles

- (1) A judge appointed before the date of commencement of these regulations who was provided with an official motor vehicle by the Government immediately before that date continues to be entitled to the use of that motor vehicle and to be provided with a new official motor vehicle from time to time in accordance with subregulation (2).
- (2) A judge referred to in subregulation (1) is entitled to a new official motor vehicle at the expiry of every period of six years after the last official motor vehicle was made available to him or her.

- (3) The official motor vehicle to be made available to a judge in terms of subregulation (2) must be a new Mercedes Benz 400 E-class or a BMW 528i or an equivalent replacement model thereof.
- (4) Subject to subregulation (5), a judge to whom an official motor vehicle has been made available in terms of this regulation must return the motor vehicle to the Government-
 - (a) when the motor vehicle is replaced with a new official motor vehicle in accordance with subregulation (2); or
 - (b) if the judge ceases to hold office as a judge.
- (5) Despite subregulation (4), a judge holding office in a permanent capacity has the option to purchase his or her official motor vehicle from the Government-
 - (a) if he or she resigns from office; or
 - (b) when he or she retires from office,at an amount equal to the initial purchase price of the motor vehicle less depreciation calculated at 12% per annum and N\$100 for every 1000 kilometres travelled.
- (6) An official motor vehicle purchased in terms of subregulation (5) ceases to be the property of the Government and may no longer be serviced, repaired, licensed or maintained by the Government.
- (7) Whenever an official motor vehicle of a judge requires repairs or maintenance at the Government Garage or elsewhere, another vehicle must be made available to the judge for use during the period of such repairs or maintenance, at Government expense.
- (8) Despite subregulations (1) and (2), a judge to whom an official motor vehicle has been made available may at any time when that motor vehicle is due to be replaced in accordance with subregulation (2) elect-
 - (a) not to make further use of an official motor vehicle provided by the Government; and
 - (b) to participate in the Motor Vehicle Allowance Scheme for Judges referred to in regulation 9.
- (9) For the purposes of performing their official duties-
 - (a) the Chief Justice and the Deputy-Chief Justice are each entitled to be provided with official motor vehicles namely, a sedan and an off-road vehicle, and in that regard, the Chief Justice or the Deputy-Chief Justice are deemed to be a judge referred to in this regulation;
 - (b) despite paragraph (a), regulation 9 continues to apply to the Chief Justice and the Deputy-Chief Justice.

8. Transport and travelling

- (1) The Chief Justice and the Deputy-Chief Justice are each entitled to the service of an official driver assigned to his or her office.
- (2) If a judge goes on official business outside his or her duty station, he or she may, in the discretion of the Head of Court, be provided with official transport to perform such official duties.
- (3) If a judge uses his or her own vehicle for official duties, he or she is to be compensated by Government at the rate equal to the kilometre rate payable to staff members in the management cadre in the Public Service, but for the purposes of this subregulation travelling between a judge's residence and the court at the seat of the court is not considered to be travelling on official duty.
- (4) When travelling by air on an official journey outside Namibia-
 - (a) the Chief Justice and the Deputy-Chief Justice are each entitled to travel as a first-class passenger;

- (b) a judge, other than a judge referred to in paragraph (a), is entitled to travel as a business class passenger.
- (5) A judge, other than the Chief Justice or the Deputy-Chief Justice, who is not ordinarily resident in Namibia, is entitled to the costs of air travel, calculated at the rate applicable to business-class passengers, to and from his or her place of permanent residence on as many occasions as are considered reasonable by the Chief Justice, acting with the approval of the Minister responsible for Finance.
- (6) If a sitting of the court takes place outside Windhoek, air transport may be used if the Head of Court considers it to be necessary or expedient in the interest of the administration of justice.
- (7) A judge who is not permanently resident at the seat of the court is entitled to-
 - (a) one return ticket every term for himself or herself and his or her spouse to travel by aeroplane, bus or train between his or her residence and the seat of the court at the expense of the Government; or
 - (b) if private transport is used, be compensated at the tariff referred to in subregulation (3).

9. Motor vehicle allowance scheme for judges

- (1) The Motor Vehicle Allowance Scheme for Judges is established for participation by-
 - (a) every judge appointed in a permanent capacity on or after the date of commencement of these regulations; and
 - (b) any judge appointed before that date who elects to participate in that Scheme in accordance with regulation 7(8).
- (2) The purpose of the Motor Vehicle Allowance Scheme for Judges is to-
 - (a) replace in respect of judges referred to in subregulation (1), the scheme of official motor vehicles provided for in regulation 7; and
 - (b) provide to judges participating in the Scheme allowances to procure motor vehicles for use on official duty.
- (3) The terms and conditions applicable to the Motor Allowance Scheme for Judges are as set out in the Annexure to these regulations.

10. Drivers for judges

A judge is entitled to an official driver in the employ of the Judiciary or any other relevant office, ministry or agency of the State, to be the official chauffeur of the judge in the course of that judge's official duties as well as for his or her private purposes.

11. Transportation of effects

- (1) Whenever the effects of a judge are to be transported the following principles apply:
 - (a) the registrar concerned must obtain written quotations from at least three cartage contractors for the packing, loading, unloading and unpacking of the effects for transport by train or, if the judge concerned so prefers, for transport by road;
 - (b) the registrar concerned must accept the lowest quotation obtained in accordance with paragraph (a), but the Chief Justice may approve the acceptance of a higher quotation if, in the Chief Justice's opinion, there are good reasons for rejecting the lowest quotation;
 - (c) the Government is not responsible for any insurance premiums in respect of the transportation of effects, but premiums in respect of insurance cover for transportation

- of effects by road may be paid from public funds if the lowest quotation for road transport which is accepted includes such premiums as an integral part thereof;
- (d) not more than two motor vehicles belonging to a judge and his or her family may be loaded and transported by train or road and unloaded at Government's expense and must be so transported at the owner's risk;
 - (e) the transportation of effects of a judge must take place within 12 months after the appointment of the judge concerned, unless the Chief Justice grants an extension of that period; and
 - (f) the Chief Justice may, in exceptional cases, approve the transportation of effects at the Government's expense and their storage in a warehouse at the seat of the court or the place where the judge has previously resided for a period not exceeding 12 months and, thereafter, their transportation to his or her new home, except that the registrar concerned must call for at least three quotations for such storage and the registrar must accept the lowest quotation, unless the Chief Justice for good reason approves the acceptance of a higher quotation.
- (2) If a person who is not ordinarily resident in Namibia is appointed as a judge, there must be defrayed from the State Revenue Fund, the costs connected with-
- (a) his or her journey and that of his or her family to the seat of the court where that judge is to perform his or her official duties, in so far as such costs do not exceed the costs of air transport;
 - (b) the transport to the seat of the court where that judge is to perform his or her official duties or to or from a warehouse for or after storing of the effects of the judge and his or her family and, if applicable, the storing of the effects, subject to subsections (3), (4) and (5); and
 - (c) the transport to the seat of the court where that judge is to perform his or her official duties of not more than two motor vehicles of the judge or his or her family by goods train at owner's risk and incidental expenses on loading or unloading of the vehicles.
- (3) If the effects of a judge referred to in subsection (2) are to be transported or stored, the registrar of the relevant court must obtain written quotations beforehand from at least three cartage contractors for the packing, loading, transporting, unloading or unpacking, or the storage in a warehouse of the effects and for insurance cover thereof while being transported or stored, and, unless the Chief Justice for good reason otherwise directs, the registrar must accept the lowest quotation.
- (4) If the Chief Justice for good reason grants permission thereto, effects of a judge referred to in subsection (2) may be stored in a warehouse for a period not exceeding six months, either before or after the transportation thereof to the seat of the court where that judge is to perform his or her official duties.
- (5) Subject to subregulation (4), effects or motor vehicles of the judge referred to in subregulation (2) must be transported to the seat of the court where that judge is to perform his or her official duties before the expiration of a period of two months after the judge has assumed office, unless the Chief Justice within that period grants an extension of time for the transporting thereof.
- (6) On the retirement or death of a judge, his or her effects may be transported only once to any place in Namibia or, in the case of a judge who was ordinarily resident outside Namibia before his or her appointment, to a place where he or she, or his or her widow or widower, as the case may be, intends settling, and the provisions of subregulations (3) to (5) do, with necessary changes, apply, except that the transporting may not take place earlier than two months prior to or later than six months after the date of retirement, or later than six months after the date of death.
- (7) The registrar must make all the necessary travel and transport arrangements required to be made in connection with a judge under these regulations.

12. Professional support staff

- (1) A judge is entitled to be provided with the following personnel-
 - (a) in the case of the Chief Justice-
 - (i) a chief legal officer who is at Grade 4 of the Public Service Grading and who is an admitted legal practitioner;
 - (ii) a special assistant; and
 - (iii) an executive private secretary;
 - (b) in the case of the Deputy-Chief Justice-
 - (i) a chief legal officer who is at Grade 4 of the Public Service Grading and who is an admitted legal practitioner;
 - (ii) a personal assistant; and
 - (iii) a senior private secretary; and
 - (c) in the case of a judge-
 - (i) a senior legal officer who is at Grade 5 of the Public Service Grading and who has a minimum qualification of a Bachelor of Laws (LLB) degree; and
 - (ii) a senior private secretary.
- (2) The staff members assigned to a judge constitute the private office of the judge and they are appointed in terms of the Public Service Act, 1995(Act [No. 13 of 1995](#)) after consultation with the judge in question.

13. Cellular phone and tablet or ipad

- (1) A judge is entitled to be allocated an official cellular phone and a tablet or an Ipad, as approved by the Judicial Service Commission.
- (2) The Chief Justice determines the amounts to be paid for the data associated or to be used with the devices referred to subregulation (1).

14. Former Chief Justice, Deputy-Chief Justice and judges

- (1) A former-
 - (a) Chief Justice; and
 - (b) Deputy-Chief Justice,are, for the rest of their lives, each entitled to be provided with an official vehicle and a driver for private purposes.
- (2) Other service benefits, under these regulations, as may be determined by the Judicial Service Commission, apply to a former Chief Justice or a former Deputy-Chief Justice, subject to any adjustments applicable to a sitting Chief Justice or a sitting Deputy-Chief Justice, as the case may be.
- (3) A former Chief Justice, Deputy-Chief Justice or judge who was issued with a diplomatic passport before retirement or the expiry of his or her term of office is entitled to retain and use of the diplomatic passport for the rest of his or her life, except that this benefit does not apply to a judge who was dishonourably discharged from office.

15. Conditions applicable to acting judges and *ad hoc* judges

In addition to the benefits applicable to acting judges and *ad hoc* judges in terms of these regulations, an acting judge or an *ad hoc* judge-

- (a) who is practising as a legal practitioner at the time of his or her appointment is entitled to be paid an amount of N\$200 per day for the duration of the appointment to maintain his or her practice as a legal practitioner;
- (b) who is appointed to perform duties away from his or her home, may, when assuming his or her duties, travel to the seat of the court and, at the conclusion of his or her duties, return to his or her home at the Government's expense in the manner and at the rate of compensation prescribed in Treasury Regulations; and
- (c) is entitled to receive an official motor vehicle of a comparable class as that referred to in regulation 7(3), if available, from the Government for his or her use during the period of his or her appointment, except that where such motor vehicle is not available or a judge uses his or her own motor vehicle, he or she is entitled to be compensated by Government at the rate equal to the kilometre rate payable to staff members in the management cadre in the Public Service.

Annexure

Terms and conditions of Motor Vehicle Allowance Scheme

1. In this Annexure "Scheme" means the Motor Vehicle Allowance Scheme for Judges established by regulation 7.
2. Allowances under the Scheme are payable in respect of-
 - (a) a motor vehicle purchased by a judge; or
 - (b) an existing motor vehicle introduced by a judge,for participation in the Scheme and in respect of which the judge is liable for the payment of instalments under the hire-purchase system or any other contract on the instalment system.
3. Allowances payable under the Scheme consist of-
 - (a) a capital instalment allowance, payable in respect of the purchase of a motor vehicle; and
 - (b) a running costs allowance, payable in respect of the use of the motor vehicle on official duty.
4. The value of the allowances payable under the Scheme is based on the purchase price of a benchmark motor vehicle financed on the instalment system over 54 months at 17,5% interest as well as the running cost of the motor vehicle. The benchmark motor vehicle is a Mercedes Benz E 400 or a BMW 528i or an equivalent replacement model thereof.
5. The following conditions apply in respect of participation in the Scheme:
 - (a) Judges are responsible for acquiring and maintaining a vehicle that is suitable for the required purpose.
 - (b) Judges will be expected to ensure that they always have reliable vehicles which enhance the image of the judiciary and which will enable them to carry out their duties effectively and will not be an embarrassment to the State.
 - (c) Proof of liability for the payment of installments in respect of the motor vehicle, or proof that a motor vehicle has been ordered for acquisition on the instalment system, must be provided by a

judge within three months of receiving allowances under the Scheme, if such proof is not provided, the allowances will be stopped after three months of date of implementation;

[The comma after the word “Scheme” should be a semicolon. Paragraph (c) should end with a full stop.]

- (d) To continue receiving allowances under the Scheme after liability for the payment of instalments in respect of the motor vehicle has terminated, a judge must provide proof of the purchase of another vehicle within six months of such termination.
 - (e) A judge must utilize his or her vehicle for all official journeys arising from his or her duties. If, because of a break down or other defect, a judge cannot use the relevant vehicle, he or she must make alternative private arrangements in regard to official travelling. A Government vehicle will not be provided to the judge.
 - (f) A judge is responsible for all costs associated with the acquisition and maintenance of a motor vehicle in respect of which allowances are payable under the Scheme, including-
 - (i) the purchase (including the payment of an initial deposit);
 - (ii) licensing;
 - (iii) insurance;
 - (iv) excesses arising from insurance claims;
 - (v) fuel;
 - (vi) service, maintenance and repairs;
 - (vii) tyres; and
 - (viii) any other related and incidental costs.
 - (g) A judge may procure a motor vehicle that costs more or less than the purchase price of a benchmark vehicle referred to in paragraph 4, but in no case may the allowances payable in respect of the motor vehicle exceed the amounts contemplated in that paragraph.
 - (h) Government services, supplies or accessories may not be used for the maintenance of a motor vehicle in respect of which allowances are paid under the Scheme and no Government materials may be used to clean such vehicles.
 - (i) The Government has no obligation to provide any form of guarantee, surety or security to enable a judge to purchase a motor vehicle.
 - (j) Allowances payable under the Scheme are linked to the salary and benefits of a judge and must be reduced proportionately in the case of any leave of absence without remuneration.
 - (k) If a judge's services terminate for any reason on a day other than the last working day of the month, the allowances payable to the judge in respect of that month will be calculated *pro rata* up to the last day of service.
6. The Judicial Service Commission may recommend to the President to stop the payment of the allowance if it is satisfied that the criteria mentioned in paragraph 5(a) and (b) have not been met three months after notifying the judge in writing accordingly.