



Republic of Namibia
Annotated Statutes

Judges' Remuneration Act 18 of 1990

(GG 107)

deemed to have come into force on 1 April 1990 (section 8)

as amended by

Judges' Remuneration Amendment Act 24 of 1994 (GG 966)

deemed to have come into force on 1 April 1994

The Act was amended by Proclamation 12 of 1994 (GG 848), under the authority of section 3 of the Act, which was deemed to have come into force on 1 April 1994. However, this Proclamation was repealed by Act 24 of 1994, effective as of the same date.

Proclamation 2 of 1999 (GG 2022)

under the authority of section 3 of the Act;

deemed to have come into force on 1 April 1998

Proclamation 14 of 2003 (GG 2974)

under the authority of section 3 of the Act;

with effect from 1 April 2003

Proclamation 11 of 2007 (GG 3869)

under the authority of section 3 of the Act;

with effect from 1 April 2007

Proclamation 10 of 2012 (GG 4941)

under the authority of section 3 of the Act;

with effect from 1 April 2012

Proclamation 6 of 2014 (GG 5451)

under the authority of section 3 of the Act;

with effect from 1 April 2014

Proclamation 5 of 2015 (GG 5689)

under the authority of section 3 of the Act;

with effect from 13 October 2014

Proclamation 45 of 2015 (GG 5914)

under the authority of section 3 of the Act;

with effect from 1 April 2016

Proclamation 10 of 2018 (GG 6584)

under the authority of section 3 of the Act;

with effect from 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.

Judges' Remuneration Act 18 of 1990

(Signed by the President on 9 November 1990)

ARRANGEMENT OF SECTIONS

1. Definitions
2. Remuneration of judges
3. Amendment of First Schedule
[See the note in the text below about this section heading; it should be "Amendment of Second Schedule" to be commensurate with the amended text of section 3.]
4. Date of commencement of tenure of office of judge
5. Regulations
6. Making available of motor vehicles to judges
7. Repeal of laws and saving
8. Short title

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

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

Definitions

1. 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.

Remuneration of judges

2. (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.

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".]

3. (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.

Date of commencement of tenure of office of judge

4. 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.

Regulations

5. (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.

Making available of motor vehicles to judges

6. 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.

Repeal of laws and saving

7. (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.

Short title

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

Judges' Remuneration Act 18 of 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 |
| <i>Ad hoc</i> 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 <i>ad hoc</i> 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 a 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 |