

**JUDICIARY (AMENDMENT) BILL, 2022***(Bill No. 14 of 2022)***EXPLANATORY STATEMENT OF THE OBJECTS OF AND  
REASONS FOR THE BILL**

This Bill seeks to repeal and replace section 5 of the Judiciary Act, which deals with the remuneration for a President of the Court of Appeal and a Justice of Appeal who are not resident in Seychelles.

In addition, the Bill seeks to limit its application to only President of the Court of Appeal and Justices of Appeal who will be appointed subsequent to its coming into force.

**Dated this 12<sup>th</sup> day of July, 2022.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

---

**JUDICIARY (AMENDMENT) BILL, 2022**

*(Bill No. 14 of 2022)*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title
2. Amendment of Act
3. Repeal and replacement of section 5
4. Insertion of new section 5A

**JUDICIARY (AMENDMENT) BILL, 2022**

*(Bill No. 14 of 2022)*



**A BILL**

**FOR**

**AN ACT TO AMEND THE JUDICIARY ACT TO REVISE THE REMUNERATION OF NON-RESIDENT PRESIDENT OF THE COURT OF APPEAL AND JUSTICE OF APPEAL; AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO.**

**ENACTED** by the President and the National Assembly.

**Short title**

1. This Act may be cited as the Judiciary (Amendment) Act, 2022.

## **Amendment of principal Act as last amended by Act 25 of 2014**

2. This Act amends the Judiciary Act, Cap 104 (hereinafter the “principal Act”).

### **Repeal and replacement of section 5**

3. Section 5 of the principal Act is repealed and substituted for the following —

#### **“Fees and gratuity of a non-resident President of the Court of Appeal and a Justice of Appeal**

(1) Where the President of the Court of Appeal is not resident in Seychelles, the following shall be paid —

- (a) a retainer fee in an amount equal to the salary specified in section 3(1)(a)(i) payable per annum at the beginning of every year of his or her term in office;
- (b) a fee in an amount equal to the salary specified in section 3(1)(a)(i) for each session that the President of the Court of Appeal attends, payable at the end of that session;
- (c) at the end of the term of appointment or in case of vacation of office otherwise than being removed under Article 134 of the Constitution, upon vacation, a gratuity of an amount equal to 25% of the total fee paid during that period.

(2) Where a Justice of Appeal is not resident in Seychelles, the following shall be paid —

- (a) a retainer fee in an amount equal to the salary specified in section 4(1)(a)(i) payable per annum at the beginning of every year of his or her term in office;

- (b) a fee in an amount equal to the salary specified in section 4(1)(a)(i) for each session that the Justice of Appeal attends, payable at the end of that session;
- (c) at the end of the term of appointment or in case of vacation of office otherwise than being removed under Article 134 of the Constitution, upon vacation, a gratuity of an amount equal to 25% of the total fee paid during that period.

(4) A fee specified and payable under subsections (1)(a) and (b) and subsection (2)(a) and (b), shall on completion of each 12 month be progressed to the next step in accordance with that salary band specified in the Public Service Salary Table under the Public Service Salary Act, 2013 (*Act 25 of 2013*).

(5) Where the twelfth month expires during a session of the Court of Appeal, the fee payable under subsections (1)(b) and (2)(b) for that session, as the case may be, shall be the fee due on the date that session commenced.

### **Insertion of new section 5A**

4. The principal Act is amended by inserting after section 5, the following new section —

#### **“Transitional provision for existing holders of offices**

“5A. Notwithstanding section 5, a non-resident President of the Court of Appeal or a non-resident Justice of Appeal holding office as such immediately before the coming into force of this Act shall continue to hold office under the terms and conditions existing prior to the coming into force of this Act.”