

**JUDICIARY (AMENDMENT) ACT, 2022**

*(Act 17 of 2022)*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

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## JUDICIARY (AMENDMENT) ACT, 2022

*(Act 17 of 2022)*

*I assent*



A handwritten signature in black ink, appearing to read 'Wavel'.

Wavel Ramkalawan  
President

*5<sup>th</sup> August, 2022*

**AN ACT TO AMEND THE JUDICIARY ACT TO REVISE THE REMUNERATION OF A NON-RESIDENT PRESIDENT OF THE COURT OF APPEAL AND JUSTICE OF APPEAL; TO ENSURE THAT A JUSTICE OF APPEAL CANNOT ACT AS A SUPREME COURT JUDGE; 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 Section 5 of the principal Act is repealed and substituted by the following —

#### **“Fees 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 double 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;

(2) Where a Justice of Appeal is not resident in Seychelles or, being resident, is not a full-time member of the Court of Appeal or not an ex-officio member, there shall be paid a fee in an amount equal double 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.

(3) A fee specified and payable under subsection (1)(a) and (b) and subsection (2), shall, on completion of each 12month period served 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*).

(4) Where the twelfth month expires during a session of the Court of Appeal, the fee payable under subsections (1)(b) and (2) 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.”

### **Amendment to section 7**

5. The principal Act is amended as follows —

- (a) by renumbering the existing section 7 as subsection (1); and
- (b) by inserting a new subsection (2) and (3) as follows —

“(2) The President of the Court of Appeal or a Justice of Appeal shall not be eligible to be appointed as Chief Justice or appointed as a Puisne Judge or to act as a Puisne Judge unless he resigns the office of President of the Court of Appeal or Justice of Appeal, as the case may be,”

(3) The Chief Justice or Judge of the Supreme Court who has been appointed as the President of the Court of Appeal or Justice of Appeal may continue to sit as a Judge of the Supreme Court for the limited purpose of giving judgement or otherwise in relation to any proceedings commenced before his appointment as President of the Court of Appeal or Justice of Appeal.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 26<sup>th</sup> July, 2022.



Mrs. Tania Isaac  
Clerk to the National Assembly