

Seychelles

Judiciary Act

Act 9 of 2008

Legislation as at 1 June 2020

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Judiciary Act

Act 9 of 2008

Commenced on 7 January 2008

[This is the version of this document at 1 June 2020.]

[Act 9 of 2008; Act [16 of 2009](#); Act [28 of 2013](#); Act [25 of 2014](#)]

Part I – Preliminary

1. Short title

This Act may be cited as the Judiciary Act.

Part II – Court of Appeal

2. Appointment of President of the Court of Appeal and Justices of Appeal

- (1) There shall be appointed to the Court of Appeal, by the President under article 123 of the Constitution, a President of the Court of Appeal and two or more Justices of Appeal.
- (2) The President of the Court of Appeal may appoint any Puisne Judge to sit as a Justice of Appeal of the Court of Appeal:

Provided that the Puisne Judge appointed shall not have heard the case at the first instance before the Supreme Court or on appeal from the Magistrates' Court.

3. Salary, pension, gratuity, allowance and benefits of a President of the Court of Appeal

- (1) The President of the Court of Appeal—
 - (a) if resident in Seychelles, shall be entitled to—
 - (i) a monthly salary of a sum specified at step 1 of salary band-18 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
 - (ii) free Government housing or housing allowance of SCR25,000 in lieu thereof;
 - (iii) free transport and a chauffeur;
 - (iv) in the case of a resident non-Seychellois national—
 - (aa) an educational allowance of R1000 per child for up to 4 children who are aged 3 to 18 years old and enrolled in a registered educational institution in Seychelles; and
 - (bb) free passage after every 2 years, for the appointee, the spouse and up to 4 children who are below 18 years, to the country of residence by the most economical route;
 - (v) a gratuity of 25% of the total salary paid during each calendar year; and
 - (vi) upon completion of every five years of service, or part thereof, in the case of vacation otherwise than by being removed under Article 134 of the Constitution, the President

of the Court of Appeal shall be paid a gratuity of an amount equal to 50% of salary earned during that period.

- (b) if a Seychelles national, upon ceasing to hold office, shall be entitled to a pension, of an amount equivalent to 5/12 of 1% of the monthly salary in that salary band, referred to in paragraph (a)(i), at which the person ceased to hold office as such, or, of any other designated office specified under section 8(1) of the Constitutional Appointees' Emoluments Act, in respect of each completed month of service, up to a maximum of 180 months, subject to section 8(3), (4) and (5) of the said Act.
- (2) The salary and the allowance stipulated in subparagraph (iv) (aa) shall be paid monthly in arrears and the gratuity shall be paid annually at the end of each calendar year or where the appointment of the President of the Court of Appeal terminates before the end of the calendar year, upon termination.

4. Salary, pension, gratuity, allowance and benefits of a Justice of Appeal

- (1) A Justice of Appeal—
- (a) if resident in Seychelles, shall be entitled to—
 - (i) a monthly salary of a sum specified at step 1 of salary band-17 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
 - (ii) free government housing or housing allowance of SCR25,000 in lieu thereof;
 - (iii) free transport and a chauffeur;
 - (iv) in the case of a resident non Seychellois national —
 - (aa) an educational allowance of R1000 per child for up to 4 children who are aged 3 to 18 years old and enrolled in a registered educational institution in Seychelles; and
 - (bb) free passage after every 2 years, for the appointee, the spouse and up to 4 children who are below 18 years, to the country of residence by the most economical route;
 - (v) gratuity of 25% of the total salary paid during each calendar year; and
 - (vi) Upon completion of every five years of service, or part thereof, in the case of vacation otherwise than by being removed under Article 134 of the Constitution, a Justice of Appeal shall be paid a gratuity equal to 50% of the salary earned during that period.
 - (b) if a Seychelles national, upon ceasing to hold office, shall be entitled to a pension, of an amount equivalent to 5/12 of 1% of the monthly salary of in that salary band, referred to in paragraph (a)(i), at which the person ceased to hold office as such, or, of any other designated office specified under section 8(1) of the Constitutional Appointees' Emoluments Act, in respect of each completed month of service, up to a maximum of 180 months, subject to section 8(3), (4) and (5) of the said Act.
- (2) The salary and the allowance stipulated in subparagraph (iv) (aa) shall be paid monthly in arrears and the gratuity shall be paid annually at the end of each calendar year or where the appointment of a Justice of Appeal terminates before the end of the calendar year, upon termination.

5. Fees for a non-resident President of the Court of Appeal and a Justice of Appeal

Where the President of the Court of Appeal or a Justice of Appeal is not resident in Seychelles, there shall be paid#

- (a) to the President of the Court of Appeal, the 2/3rd of the salary specified in section 3(1)(a)(i);

- (b) to the Justice of Appeal, the $\frac{2}{3}$ rd of the salary specified in [section 4\(1\)\(a\)\(i\)](#);
- (c) when they attend a session of the Court of Appeal, the whole of the salary payable to the President or the Court of Appeal or the Justice of Appeal, as the case may be, for that session;
- (d) gratuity of 25% of the total salary paid during each calendar year.
- (e) upon completion of every five years of service, or part thereof, in the case of vacation otherwise than by being removed under Article 134 of the Constitution to the President of the Court of Appeal or a Justice of Appeal, a gratuity of an amount equal to 50% of salary earned during that period.

[section 5 (e) inserted by section 2(a) of Act [25 of 2014](#) w.e.f 1 July 2014]

6. Allowance for Puisne Judge who is appointed as Justice of Appeal

Where a Puisne Judge is appointed under [section 2\(2\)](#) to hear any appeal case, he shall be entitled to an allowance of R500.

Part III – Supreme Court

7. Appointment of Chief Justice, Puisne Judges and Masters

There shall be appointed to the Supreme Court, by the President under article 127, a Chief Justice, and three or more Puisne Judges and one or more Masters.

8. Salary, pension, gratuity, allowance and benefits of Chief Justice

- (1) The Chief Justice shall be entitled to—
 - (a) a monthly salary of a sum specified at step 1 of salary band-18 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
 - (b) free government housing or housing allowance of SCR25,000 in lieu thereof;
 - (c) free transport and a chauffeur;
 - (d) in the case of a non-Seychellois national—
 - (i) an educational allowance of R.1000 per child for up to 4 children who are aged 3 to 18 years old and enrolled in a registered educational institution in Seychelles; and
 - (ii) free annual passage, for the appointee, the spouse and up to 4 children who are below 18 years, to the country of residence by the most economical route;
 - (iii) Supplementation allowance of R.14,000.
 - (e) a gratuity of 25% of the total salary paid during each calendar year;
 - (f) upon completion of every five years of service, or part thereof in the case of vacation of office otherwise than by being removed under Article 134 of the Constitution, the Chief Justice shall be paid a gratuity of an amount equal to 50% of the salary earned during that period.
 - (g) in the case of a Seychelles national, upon ceasing to hold office, a pension of an amount equivalent to $\frac{5}{12}$ of 1% of the monthly salary in that salary band, referred to in paragraph (a), at which the person ceased to hold office as such, or, of any other designated office specified under section 8(1) of the Constitutional Appointees' Emoluments Act, in respect of each completed month of service, up to a maximum of 180 months, subject to section 8(3), (4) and (5) of the said Act.

- (2) The salary and the allowance stipulated in paragraph (d) (i) shall be paid monthly in arrears and the gratuity shall be paid annually at the end of each calendar year or where the appointment of the Chief Justice terminates before the end of the calendar year, upon termination.

9. Salary, pension, gratuity, allowance and benefits of a Puisne Judge

- (1) A Puisne Judge shall be entitled to—
- (a) a monthly salary of a sum specified at step 1 of salary band-17 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
 - (b) free government housing or housing allowance of SCR 25,000 in lieu thereof;
 - (c) free transport and a chauffeur;
 - (d) in the case of a non Seychellois national—
 - (i) an educational allowance of R.1000 per child for up to 4 children who are aged 3 to 18 years old and enrolled in a registered educational institution in Seychelles; and
 - (ii) free passage after every 2 years, for the appointee, the spouse and up to 4 children who are below 18 years, to the country of residence by the most economical route;
 - (e) a gratuity of 25% of the total salary paid during each calendar year;
 - (f) upon completion of every five years of service, or part thereof in the case of vacation of office otherwise than by being removed under Article 134 of the Constitution, a Puisne Judge shall be paid a gratuity of an amount equal to 50% of the salary earned during that period.
 - (g) if a Seychelles national, upon ceasing to hold office, a pension of an amount equivalent to 5/12 of 1% of the monthly salary in that salary band, referred to in paragraph (a), at which the person ceased to hold office as such, or, of any other designated office specified under section 8(1) of the Constitutional Appointees' Emoluments Act, in respect of each completed month of service, up to a maximum of 180 months, subject to section 8(3), (4) and (5) of the said Act.
- (2) The salary and the allowance stipulated in paragraph (d) (i) shall be paid monthly in arrears and the gratuity shall be paid annually at the end of each calendar year or where the appointment of a Puisne Judge terminates before the end of the calendar year, upon termination.

10. Other conditions

No payment of allowance in lieu of provision of transport shall be made to the Chief Justice, the President of the Court of Appeal, a Justice of Appeal and a Puisne Judge.

11. Salary and gratuity of Master

- (1) A Master shall be entitled upon appointment to the following—
- (a) a monthly salary of a sum specified at step 1 of salary band-16 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
 - (aa) a transport allowance of R5,600 per month;
[section 11(1)(aa) inserted by section 2(b) of Act 25 of 2014 w.e.f 1 July 2014]
 - (b) a gratuity of 25% of the total salary paid during each calendar year;
 - (c) upon completion of every five years of service, or part thereof in the case of vacation of office otherwise than by being removed under Article 134 of the Constitution, the Master of the

Supreme Court shall be paid a gratuity of an amount equal to 50% of the salary earned during that period.

- (2) The salary shall be paid monthly in arrears and the gratuity shall be paid annually at the end of each calendar year or where the appointment of the Master terminates before the end of the calendar year, upon termination.

12. Allowance of Registrar of Court of Appeal and Registrar of Supreme Court

Where the Master who is appointed under [section 7](#)—

- (a) is also appointed a Registrar of the Court of Appeal, he shall be entitled to a monthly allowance of R1500 payable in arrears; and
- (b) is also appointed a Registrar of the Supreme Court, he shall be entitled to a monthly allowance of R3000 payable in arrears.

Part IV – Miscellaneous

12A. Number of years in office to be taken into consideration

The salary of a person in office under this Act, on the commencement of the Judiciary (Amendment) Act, 2013, shall be the salary in the respective salary band depending on the number of years that the person has held office as such under the Constitution after the 21st June, 1993.

12B. Re-fixation of pension

The pension of a person, who is in receipt of such pension under [section 3\(1\)\(b\)](#), [4\(1\)\(b\)](#), [8\(1\)\(g\)](#) or [9\(1\)\(g\)](#) on the date of the commencement of the Judiciary (Amendment) Act, 2013, shall, on such commencement, be re-fixed based on the salary that the person would have earned in the respective salary band depending on the number of years the person would have held the office as such had the person ceased office on the date of such commencement.

12C. No person to be affected adversely

No person shall, on the commencement of the Judiciary (Amendment) Act, 2013, be affected adversely and shall continue to enjoy the salary, gratuity or pension no less favourable than those enjoyed by them before such commencement.

13. ***

[section 13 repealed by Act [28 of 2013](#) with effect from 1 July 2014]

14. Repeal of Cap. 104

The Judiciary Act 1976 is hereby repealed.