

THE JUDGES (REMUNERATION AND  
TERMINAL BENEFITS) ACT, 2007

ARRANGEMENT OF SECTIONS

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*Title*

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SCHEDULE

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## THE UNITED REPUBLIC OF TANZANIA



No. 16 OF 2007

I ASSENT,

*Jakaya Mwisho Kikwete*

President

*30<sup>th</sup> March, 2007*

**An Act to provide for remuneration, terminal benefits and survivors benefits to a person holding the Office of Chief Justice, Justice of Appeal, Principal Judge and Judge and to provide for matters related thereto.**

ENACTED by Parliament of the United Republic of Tanzania.

## PART I

## PRELIMINARY PROVISIONS

1.-(1) This Act may be cited as the Judges (Remuneration and Terminal Benefits) Act, 2007.

Short title  
and  
commencement

(2) This Act shall come into operation on the date as the Minister may, by notice published in the *Gazette*, appoint.

2. This Act shall apply to a person who holds the office of the Chief Justice, a Justice of Appeal, a Principal Judge or a Judge on or after the 1<sup>st</sup> March, 2007.

Application

3. In this Act, unless the context otherwise requires -

Interpretation.

“Chief Justice” means the Chief Justice appointed pursuant to Article 118(2) of the Constitution;

“child” means and includes-

(a) a biological child, a step-child, a child born out of wedlock and an adopted child who has not attained the apparent age of eighteen years; or

(b) a child who is attending school or an institution of learning or is physically disabled or mentally infirmed, and who is wholly maintained by the Chief Justice, a Justice of Appeal, a Principal Judge or a Judge;

“Commission” means the Judicial Service Commission established by Article 112 of the Constitution;

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“Constitution” means the Constitution of the United Republic of Tanzania, 1977;

“Judge” means a Judge of the High Court appointed in terms of Article 109(1) of the Constitution;

“Justice of Appeal” means a Justice of Appeal appointed pursuant to Article 118(1) of the Constitution;

“Minister” means the Minister responsible for legal affairs;

“Principal Judge” means the Judge of the High Court designated “Jaji Kiongozi” in Kiswahili appointed under Article 109(1) of the Constitution.

## PART II

### SALARIES, ALLOWANCES AND OTHER BENEFITS

Salaries,  
allowances  
and other  
benefits

4.-(1) The Chief Justice, a Justice of Appeal, a Principal Judge and a Judge, shall be entitled to such salaries, allowances and other benefits as may be determined by the President.

(2) The salaries, allowances, benefits and entitlements of the Chief Justice, a Justice of Appeal, a Principal Judge and a Judge shall be charged on the Consolidated Fund.

(3) Every allowance and other entitlements payable to the Chief Justice, a Justice of Appeal, a Principal Judge or a Judge pursuant to subsection (2) shall be exempt from payment of income tax.

5.-(1) Where it is desirable and necessary to review salaries, allowances and benefits payable to the Chief Justice, a Justice of Appeal, the Principal Judge or a Judge, the Commission shall forward proposals to the President together with reasons, if any, for each of such proposals.

Review of salaries, allowances and other benefits

(2) In making the proposals, the Commission shall be guided and ensure that the scales of salary and the amount payable to each scale, allowance and other benefits are broadly kept in line with those applicable to the public service.

(3) Without prejudice to subsection (2), the Commission shall, in determining the types and the amount of benefits in pursuant to the provisions of this section, seek and obtain information from any Government Department or person employed in the public service.

(4) Where the President has received proposals from the Commission, he may accept the proposal for review and announce new salaries, allowances and benefits as he deems appropriate and may seek advice from any authority as he deems appropriate before announcing new salaries, allowances or benefits as the case may be.

6. In the exercise of powers to review the salaries, allowances and other terminal benefits for the Chief Justice, a Justice of Appeal, a Principal Judge and a Judge, the President shall have regard to the national economy and any other consideration necessary for arriving at or making appropriate decision.

Attributes for reviewing salaries, allowances and other benefits

7.-(1) In addition to salaries, allowances and benefits payable under this Act, the Chief Justice, a Justice of Appeal, a Principal Judge or a Judge shall be entitled to benefits specified in Part I of the Schedule to this Act.

Entitlements

(2) The President may, upon the recommendation of the Commission, add to or modify the benefits specified in the Schedule but such modification shall not have the effect of curtailing or reducing any of the benefits specified in the Schedule.

Funeral  
expenses

**8.** The Government shall, in a manner specified in part II of the Schedule to this Act, meet funeral expenses of a Chief Justice, a Justice of Appeal, a Principal Judge or a Judge who dies in office or after retirement from office.

Transportation on  
retirement

**9.** On retirement or death, a spouse, dependants or survivors as the case may be, personal effects of the retired or deceased Chief Justice, a Justice of Appeal, a Principal Judge, or a Judge shall be transported by the Government to his place of domicile or as determined by him or his survivor by using appropriate means.

### PART III

#### BENEFITS UPON RETIREMENT, RESIGNATION OR REMOVAL FROM OFFICE

Retirement

**10.** The provisions of this Part shall be without prejudice to the provisions of sections 20 and 21 of the Public Service Retirement Benefits Act, with regard to payment of pension and other terminal benefits to a person who held the office of a Chief Justice, Justice of Appeal, Principal Judge or a Judge.

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Benefits  
upon  
appointment  
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**11.-(1)** Notwithstanding the provisions of the Public Service Retirement Benefits Act, where any person, being a public officer, is appointed as a Chief Justice, a Justice of Appeal, a Principal Judge, or a Judge, that person may, upon such appointment, opt to retire from service in the public office and shall be entitled to receive terminal benefits in accordance with the Public Service Retirement Benefit Act.

(2) A person appointed to the office of a Chief Justice, a Justice of Appeal, a Principal Judge or a Judge who, before the commencement of this Act, was serving in the public office and who does not opt to retire under the provision of sub - section (1), the period of service in the public service shall be taken into account when computing his terminal benefits upon retirement.

(3) A Judge who is appointed a Chief Justice or a Justice of Appeal, upon attaining the age of sixty shall have an option to receive terminal benefits payable to a Judge.

(4) A Judge who does not exercise the option under subsection (3), his service in the office of a Judge shall be taken into account when computing his benefits upon retirement.

**12.-(1)** Where the Justice of Appeal, a Principal Judge or a Judge dies in office before attaining the age of sixty five or sixty years, as the case may be, which is the respective age of retirement for the Justices of Appeal and Judges, the grant by appropriate authority equal to the pension which would have been paid in accordance with subsection (3) of section 20 of the Public Service Retirement Benefits Act, shall be paid into the estate of that Justice of Appeal, a Principal Judge or a Judge and shall be administered in accordance with his will, if any, or in accordance with the relevant law governing administration of estates of the deceased persons.

Survivor's  
benefits  
following  
death

(2) Where a Judge who was entitled to pension payable under subsection (3) of section 20 of the Public Service Retirement Benefits Act, upon attaining the age of sixty years and who is appointed a Justice of Appeal dies before attaining the age of sixty five years, the pension and other relevant benefits that would be payable upon attaining the age of sixty years shall, unless it was received by the deceased Justice of Appeal, be paid into the estate of that Justice of Appeal, and shall be administered in accordance with the relevant law governing the administration of estates of the deceased persons.

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(3) For the purposes of the provisions of subsections (1) and (2), payment of benefits shall not affect other payments which the deceased Justice of Appeal was or would be entitled under subsection (3) of section 20 of the Public Service Retirement Benefits Act by virtue of holding the office of a Justice of Appeal.

**13.** Where the Chief Justice dies in office or a former Chief Justice dies, his widow or her widower shall be entitled to payment by an appropriate authority -

Pension  
for widow  
or  
widower  
of the  
Chief  
Justice

- (a) an annual pension granted monthly at the rate of sixty-percent of annual pension payable to the former Chief Justice in terms of paragraph (a) of subsection (1) of section 21 of the Public Service Retirement Benefits Act; and

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(b) such other benefits as stipulated under subsection (2) of section 21 of the Public Service Retirement Benefits Act.

Benefits earned prior to removal

14. The Chief Justice, a Justice of Appeal, a Principal Judge or a Judge who before attaining the age of retirement is removed from office in terms of Article 110A of the Constitution, shall, in addition to any terminal benefits already earned under this Act but not paid, be entitled to such benefits as the President may, upon advice by the Commission, determine.

Recommendation for review of terminal benefits

15. Where the Judicial Service Commission considers it necessary, desirable or in the national interest and is minded that any terminal benefits payable under the provisions of this Act, be increased or otherwise varied or modified in any manner or to any extent, the Commission may recommend to the President for determination or directions.

PART IV  
CONSEQUENTIAL AMENDMENTS

Construction  
Cap.371

16. This part shall be read as one with Public Service Retirement Benefits Act, hereinafter referred to as the "principal Act".

Amendment of Section 16

17. The principal Act is amended in section 16 by adding immediately after paragraph (h), the following new paragraph-  
“(i) upon being appointed a Chief Justice, a Justice of Appeal, a Principal Judge or a Judge and exercising the option to retire from the public service.”

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SCHEDULE

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*(Made under sections 7 and 8)*

PART I

ALLOWANCES AND BENEFITS

1. Residence:
  - (a) A rent-free fully furnished Grade A residence;
  - (b) One house attendant at a place of residence;
  - (c) Two house attendants at a place of residence of the Chief Justice;
  - (d) Basic household appliances; and
  - (e) Allowance of the amount sufficient to pay for water, waste disposal, electricity bills and local telephone calls for a Justice of Appeal, the Principal Judge and a Judge.
  
2. Travelling on duty and leave:
  - (a) By Air:  
First Class Ticket or Business Class where appropriate in the case of Chief Justice; or  
Business Class Ticket in the case of a Justice of Appeal, the Principal Judge or a Judge.
  - (b) By Ship or Railway:  
First Class Ticket
  - (c) By Road:  
Chauffeur-driven Government vehicle.
  - (d) In the case of leave, including spouse and children.
  
3. Allowances:
  - (a) Responsibility allowances to Chief Justice, Principal Judge and Judge in-charge;
  - (b) Court attire payable once annually.
  
4. Medical Treatment:
  - (a) Medical treatment at Government expenses; and
  - (b) Medical treatment at Government expenses for spouse and children.
  
5. Transport:
  - (a) Personal official vehicle with a driver;
  - (b) Fuel allowance at the rate of 70 litres per week.
  
6. Security:
  - (a) For a Justice of Appeal, a Principal Judge and a Judge, provision of police guard at the residence and when travelling by surface or water; ▶
  - (b) For the Chief Justice, provision of police guard when holding office and after retirement.

Tenure of  
office



## 7. Annual Leave:

- (a) Twenty eight days in every year of service;
- (b) Local or vocational leave of up to a maximum of leave days accrued; or
- (c) Salary in lieu of leave.

## 8. Insurance:

Insurance for personal injury and accident arising out of and in the course of duty.

9. A diplomatic passport for the Chief Justice, a Justice of Appeal, a Principal Judge, a Judge and spouse.

## PART II

## FUNERAL EXPENSES

1. Coffin.
2. Shroud.
3. Wreath.
4. Cost of grave.
5. Transportation to a place of burial.
6. Cash payment to assist preparation and organization of funeral and burial ceremony.

Passed in the National Assembly on the 2<sup>nd</sup> February, 2007.

*Damian S. C. Fok*

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*Clerk of the National Assembly*