

GOVERNMENT OF ZAMBIA

ACT

No. 19 of 1998

Date of Assent: 7th October, 1998

An Act to amend the Judges (Conditions of Service) Act

[12th October, 1998]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Judges (Conditions of Service) (Amendment) Act, 1998, and shall be read as one with the Judges (Conditions of Service) Act, in this Act referred to as the principal Act.

Short title
Cap.277

2. (1) Section *one* of the principal Act is amended in subsection (2) by the deletion of paragraph (b) and the substitution therefor of the following:

Amendment
of section 1

(b) for the purposes of entitlement to any pension or gratuity, apply to a Judge who was in service on the 1st June, 1992.

3. The Principal Act is amended by the repeal of section *seven* and the substitution therefor of the following:

Repeal and
replacement
of section 7

7. (1) Where any person is appointed as Judge from the Public Service after the commencement of the Act, that person shall upon such appointment retire from the post in the Public Service and shall have the option either to receive the terminal benefits at the time of such retirement or to have the same deferred until a later date determined by that person.

Appointment
of Judge
from Public
Service

(2) The terminal benefits deferred under subsection (1) shall be administered in accordance with the law relating to the pensions of public officers.

4. The principal Act is amended by the insertion after section *seven* of the following new section:

Insertion of
new section
7A

7A. (1) A person serving as a Judge who was appointed as a Judge before the commencement of this Act—

Judges
appointed
before
commence-
ment of Act

(a) from the Public Service and who has not received the terminal benefits in respect of that service; or

(b) who has been contributing to the institution responsible for the administration of pensions of public officers from the date of appointment as a Judge;

Act No. 35
of 1996

shall with effect from 1st June, 1997, be deemed to have attained pensionable age and shall be retired under the Public Service Pensions Act, 1996.

(2) With effect from 1st June, 1997, this Act shall apply to a Judge referred to in subsection (1) calculated from the date of appointment as a Judge.

Repeal and
replacement
of section 8

5. The Principal Act is amended by the repeal of section *eight* and the substitution therefor of the following section:

Appointment
under
contract

8. (1) A person serving as a Judge and entitled to gratuity under a contract shall have an option to continue under the contract or to be entitled to the terminal benefits under this Act.

(2) Where a person serving as a Judge opts to continue under the contract pursuant to subsection (1)—

(a) that person shall not be entitled to the benefits under this Act; and

(b) the age of retirement of that person shall be in accordance with the Constitution.

Amendment
of section 12

6. Section *twelve* of the principal Act is amended by the insertion after subsection (2) of the following new subsection:

(3) The regulations under this section may be made with retrospective effect.