

THE JUDICIARY ACT
ARRANGEMENT OF SECTIONS

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SCHEDULES

THE JUDICIARY ACT

[1st April, 1973.]

Acts
42 of 1973,
39 of 1975,
19 of 1987,
11 of 1992,
L.N.
54D/2014,
6 of 2016
Sch.

1. This Act may be cited as the Judiciary Act.

Short title.

2.—(1) Subject to section 4A(1A) and (1B) and section 12 (1)(a), Act applies to the office of Judge, so, however, that the provisions of this Act, other than section 4, shall not apply—

Application.
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(a) subject to subsection (2), as respects any existing Judge who, by memorandum in writing to the Governor-General within six months from the 27th day of November, 1973, elects to have his terms of service regulated by the provisions which would have been applicable to him if this Act had not been enacted;

(b) as respects any Judge whose appointment as such is for an express number of months or years specified in the terms of his appointment.

(2) An existing Judge who makes an election in accordance with subsection (1) may, by further memorandum in writing to the Governor-General within such time as the Governor-General may allow, finally and irrevocably withdraw the previous memorandum and upon such withdrawal the provisions of this Act shall apply to him in lieu of the provisions regulating his terms of service which so applied prior to the withdrawal.

(3) A former Judge may by memorandum in writing to the Governor-General elect to have this Act apply in relation to him; and thereupon the provisions of this Act, other than section 4 and the Second Schedule, shall apply accordingly as if they had been in force at the date of his retirement from the office of Judge, so, however, that—

29/1975
S. 2.
19/1987
S. 2(a).
Second
Schedule.
19/1987
S. 2(a).

19/1987
S. 2(a).

(a) any pension payable under this Act to a former Judge pursuant to an election under this subsection shall not be paid for any period prior to the 1st April, 1973;

19/1987
S. 2(a).

(b) any pension paid pursuant to the Pensions Act to a former Judge on or after the 1st April, 1973, shall be deducted from any pension payable to him under this Act;

19/1987
S. 2(a).

(c) no pension or allowance payable to any person by virtue of the application of this Act in relation to a former Judge shall be paid to that person for any period prior to the 1st April, 1973;

(d) the reference to this Act in paragraph (a) of subsection (2) of section 8 (which relates to deduction of pension or gratuity already paid to a retired Judge from any gratuity payable to his estate) shall, for the purposes of this subsection, be deemed to include reference to the Pensions Act;

19/1987
S. 2(a).

(e) if a former Judge who has made an election under this subsection had exercised his option under regulation 31 of the Pensions Regulations (which relates to reduced pension and gratuity) the pension payable to him under this Act shall be at the rate of three-fourths of the rate of pension which, apart from this paragraph, would have been so payable.

19/1987
S. 2(b).

(4) In subsection (3) “former Judge” means a person who retired from the office of Judge on or after the 6th August, 1962, and prior to the 1st April, 1973.

19/1987
S. 2(c).

(5) Where a former Judge has died prior to the 28th day of July, 1987, or dies subsequent to that date having been unable, due to physical or mental incapacity, to make an election pursuant to subsection (3), the election may be made by his widow or, in default of an election by the widow within six months after such date as aforesaid or the date of death, whichever is the later, by his legal personal representative.

3. In this Act—

Interpre-
tation.

“the Constitution” means the Constitution of Jamaica;

“Court of Appeal” means the Court of Appeal established by the Constitution;

“existing Judge” means a person who was a Judge on the 31st day of March, 1973, or who became a Judge after that date and before the 27th day of November, 1973;

“Judge” means a Judge of the Court of Appeal or of the Supreme Court but does not include a person holding only acting office as such;

“pensionable emoluments”, “public service” and “other public service” have the same meanings as in the Pensions Act, and for the purposes of the definition of “pensionable emoluments”, in so far as it includes house allowance, the office of Judge shall be deemed to be a prescribed office.

4.—(1) There shall be paid—

Salaries
of Judges.
L.Nn.
137/80,
78/83,
230/86,
88A/87,
30P/88,
J. G. d.d.
21.9.1990,
L.Nn.
98B/91,
58/2000,
90/2002,
228/2006,
131C/2008,
54D/2014.

(a) to—

- (i) the Chief Justice, a salary at the rate of \$8,143,308.00 per annum;
- (ii) the Senior Puisne Judge, a salary at the rate of \$6,616,503.00 per annum;
- (iii) every other Puisne Judge, a salary at the rate of \$6,290,376.00 per annum;

(b) to—

- (i) the President of the Court of Appeal, a salary at the rate of \$8,143,308.00 per annum;
- (ii) every other Judge of the Court of Appeal, a salary at the rate \$7,125,507.00 per annum.

(2) The Minister responsible for finance may, taking into account the recommendations contained in the report

12/1992
S. 2.

referred to in section 4A, amend subsection (1) of this section by order subject to negative resolution of the House of Representatives, so as to increase any amount specified therein from such date as may be specified in the order.

Appoint-
ment of
Commission.
12/1992
S. 3.

4A.—(1) The Minister shall, within six months after the 1st day of April 1992, and thereafter within six months after the 1st day of April in every third year or at such earlier times as may be expedient appoint a Commission to—

- (a) enquire into the adequacy of the salaries and other amounts payable under this Act and the adequacy of Judges' benefits generally; and
- (b) make such recommendations as the Commission considers appropriate in relation to the matters specified in paragraph (a).

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Sch.

(1A) In respect of the offices specified in subsection (1B), the Minister shall within six months after the 1st day of April, 2016, and thereafter within six months after the 1st day of April in every third year or at such earlier times as may be expedient, appoint a Commission to—

- (a) enquire into the adequacy of the salaries and other amounts payable to the persons who hold the specified offices in subsection (1B) and the adequacy of the benefits generally payable to the holders of the specified offices; and
- (b) make such recommendations as the Commission considers appropriate in relation to the matters specified in paragraph (a).

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(1B) The specified offices are—

- (a) Judges of the Parish Courts;
- (b) Judges of the Traffic Court and Family Courts; and
- (c) Masters of the Supreme Court; and
- (d) the Registrar of the Supreme Court and the Registrar of the Court of Appeal.

(2) A Commission referred to in subsection (1) or (1A) shall be appointed by instrument in writing and shall—

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Sch.

- (a) consist of not less than three nor more than five members;
- (b) hold office for such period as may be specified in the instrument of appointment;
- (c) shall within three months of the date of appointment submit to the Minister a report containing the recommendations referred to in subsection (1)(b) or (1A)(b);

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Sch.

(2A) There shall be paid to the members of a Commission appointed under subsection (2) such remuneration (whether by way of salaries, honoraria or fees) and such allowances, as the Minister with responsibility for the public service may determine.

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(3) The Minister shall cause the report referred to in subsection (2)(c) to be laid on the Table of the House of Representatives and of the Senate.

5.—(1) Where a person retires in pensionable circumstances from an office to which this Act applies he shall subject to subsection (2) be paid a pension and gratuity in accordance with this Act in lieu of any pension, allowance or gratuity for which he may have been eligible, or which he may have been granted, pursuant to the Pensions Act.

Entitlement
to pensions.

(2) If the pension and gratuity to which a person is entitled pursuant to this Act is less than the pension and gratuity for which he would have been eligible or which he was granted pursuant to the Pensions Act, that person may elect to retain his entitlement under the Pensions Act and forego his entitlement under this Act.

(3) For the purposes of this section, a person retires in pensionable circumstances if he retires—

- (a) in the case of a person who at retirement holds the office of Chief Justice or President of the Court of Appeal, at any age;

- (b) in the case of a person who at retirement holds any other office to which this Act applies—
- (i) on or after attaining the age of 55 years; or
 - (ii) on the ground of ill health as defined in subsection (4); or
 - (iii) if appointed a Judge in circumstances in which public service prior to the appointment as a Judge does not fall to be taken into account in the determination of the rate of pension under this Act, at any age.

(4) For the purposes of this Act, a person retires from an office to which this Act applies on the ground of ill health if—

- (a) he retires on medical evidence, to the satisfaction of the Governor-General, that he is incapable, by reason of any infirmity of mind or body, of discharging the duties of his office and that such infirmity is likely to be permanent; or
- (b) in accordance with the Constitution, he is removed from office for inability, arising from infirmity of mind or body or any other cause, to perform the functions of his office.

(5) A person who, in accordance with the Constitution, is removed from an office to which this Act applies for misbehavior may be granted by the Governor-General, in lieu of any pension, allowance or gratuity for which he may have been eligible pursuant to the Pensions Act, a pension and gratuity not exceeding one-half of the pension and gratuity to which he would have been entitled had he retired in pensionable circumstances from such office.

(6) Pension payable in accordance with this section shall be paid monthly in arrears with effect from the date of retirement in pensionable circumstances and shall, subject to the provisions of this Act, continue to be paid during the lifetime of the person entitled thereto.

6.—(1) The rate of pension payable pursuant to subsection (1) of section 5 shall, in the circumstances set out in the first column of the First Schedule, be the annual rate prescribed in relation thereto in the second column of that Schedule.

Rate of pension.
First Schedule.

(2) For the purposes of subsection (1) and the First Schedule—

- (a) a person who was a Judge on the 31st March, 1973, shall be deemed to have had public service together with which his service as a Judge constitutes continuous service;
- (b) the full period during which a person held the office of Judge shall be taken into account, including any period immediately prior to his appointment as Judge during which he was appointed an acting Judge; and
- (c) where a period of public service by any person is not continuous with his service as a Judge, the Governor-General may, in such cases as he thinks fit, determine that that person shall be deemed to have had public service which together with his service as a Judge constitutes continuous service.

7.—(1) Any person to whom a pension (in this section referred to as “the original pension”) is payable under section 5, may, at his option exercisable on his retirement in pensionable circumstances or within such period prior to his retirement as the Governor-General may allow, be paid, in lieu of the original pension, a reduced pension at the rate of three-fourths of the annual rate of the original pension together with a gratuity (in this Act referred to as a “commuted pension gratuity”) equal to twelve and one-half times one-quarter of the annual rate of the original pension.

Reduced pension and gratuity.

(2) The option referred to in subsection (1) shall be irrevocable unless the Governor-General, on such terms as he considers reasonable, otherwise permits.

8.—(1) Where a person dies while holding an office to which

Gratuity on death.

this Act applies there shall be paid—

- (a) to his legal personal representative, a gratuity of an amount equivalent to—
 - (i) one year's pensionable emoluments; or
 - (ii) the commuted pension gratuity for which the person aforesaid had a right to opt pursuant to section 7 on the assumption that he retired at the date of his death,whichever is the greater; and

- (b) to his widow (whether or not she is his legal personal representative) an amount equivalent to one-sixth of the amount payable under paragraph (a):

Provided that in the case of a widow of a person who is at his death holding the office of Chief Justice or President of the Court of Appeal the fraction one-fifth, instead of the fraction one-sixth, shall be deemed to be prescribed by this paragraph.

(2) Where a person dies while in receipt of a pension under this Act, there shall be paid—

- (a) to his legal personal representative a gratuity of an amount equivalent to one year's pensionable emoluments of that person at the date of his retirement or removal from office, from which gratuity shall be deducted any pension or gratuity already paid to that person under this Act; and
- (b) to his widow (whether or not she is his legal personal representative) an amount equivalent to one-sixth of one year's pensionable emoluments of that person at the date of his retirement or removal from office:

Provided that in the case of a widow of a person who was at the date of his retirement or removal from office holding the office of Chief Justice or President of the Court of Appeal the fraction one-fifth instead of the fraction one-sixth shall be

deemed to be prescribed by this paragraph.

9.—(1) For the purposes of the Pensions (Civil Service Family Benefits) Act, any office to which this Act applies shall be deemed to be a pensionable office in the service of the Island. Widows and orphans pension.

(2) Where a person dies while holding an office to which this Act applies or while entitled to a pension under section 6, there shall be paid to his widow a pension at an annual rate equivalent to one-fifth of the pensionable emoluments of the person aforesaid at the date of his death or, if at that date he was entitled to receive a pension under section 6, at the date of his retirement or, as the case may be, removal from office in accordance with the Constitution.

(3) Pension payable to a widow pursuant to subsection (2) shall be paid monthly in arrears with effect from the date of her husband's death and shall, subject to the provisions of this Act, continue to be paid during her lifetime.

(4) In subsections (2) and (3) references to a widow shall, in the case of a female Judge, be deemed to include references to a widower and cognate expressions shall be construed accordingly, and similarly references to a husband shall be deemed to include references to a wife.

(5) Pension payable to a widow pursuant to subsection (2) shall be without prejudice to any pension to which she may be entitled under the Pensions (Civil Service Family Benefits) Act.

10.—(1) Where a person holding an office to which this Act applies dies as a result of injuries received— Pensions to dependants when a Judge dies as a result of injuries received or disease contracted in the discharge of his duties.

- (a) in the actual discharge of his duties;
- (b) in circumstances in which the injury is not wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty.

while serving in that office it shall be lawful for the Governor-General to grant in addition to the amount, if any, payable pursuant to sections 8 and 9—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character at a rate not exceeding one-quarter of his annual pensionable emoluments at the date of the injury;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of nineteen years, of an amount not exceeding one-eighth of the pension specified in such paragraph;
- (iii) if the deceased officer leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of nineteen years, of double the amount specified in paragraph (ii);
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until such child attains the age of nineteen years of double the amount specified in paragraph (ii);
- (v) if the deceased officer does not leave a widow, or if no pension is granted to his widow and if his mother, or where his mother is dead, his father, was wholly or mainly dependent on him for support, a pension to the mother, or, where the mother is dead, the father, while without adequate means of support, of an amount not exceeding the pension which might have been granted the deceased officer's widow;

- (vi) if the deceased officer leaves a widow to whom a pension is granted under this section and a mother, or, where his mother is dead, a father, who was wholly or mainly dependent on him at the time of death, a pension to the mother, or, where the mother is dead, the father, while without adequate means of support, of an amount not exceeding one-half the amount which might have been granted under paragraph (v);
- (vii) if the deceased officer leaves a brother or sister who was wholly or mainly dependent on him for support and no pension is payable in respect of a child of the deceased officer under this section, a pension to each such brother or sister, subject to the same conditions as if such brother or sister were a child of the deceased officer, of an amount not exceeding the pension payable in respect of a child of the deceased officer under paragraph (ii), (iii) or (iv), as the case may be:

Provided that—

- (A) a pension shall not be payable under this subsection at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this proviso, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children under the age of nineteen years;
- (B) in the case of a pension granted to the mother of a deceased officer under either paragraph (v) or paragraph (vi) such pension shall be paid only while the mother remains of good character and, if the mother is a widow at the time of the grant of the pension and subsequently re-marries, such pension shall cease as from the

date of re-marriage; and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine;

- (C) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of nineteen years;
- (D) in the case of a pension granted to the father of a deceased officer under either paragraph (v) or paragraph (vi), if it appears to the Governor-General at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Governor-General may determine;
- (E) notwithstanding that a pension to a child or to a brother or sister of a deceased officer should cease when such child, brother or sister, as the case may be, attains the age of nineteen years, if such child, brother or sister was incapacitated at the time of the deceased officer's death and was wholly or mainly dependent on him the Governor-General may, in his discretion, grant, or, as the case may be, authorize the continued payment after attainment of the age of nineteen years of, a pension in respect of such child or, as the case may be, such brother or sister during the period of incapacity or for such period as the Governor-General may, in his discretion, determine and the Governor-General may, in his discretion, increase or reduce the amount of pension payable in respect of such child or such brother or sister to such amount as the Governor-General thinks fit.

(2) For the purpose of this section unless the contrary intention appears—

- (a) the word “child” includes—
 - (i) a posthumous child;
 - (ii) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
 - (ii) an adopted child, adopted in a manner recognized by law, before the date of the injury and wholly or mainly dependent upon the deceased officer for support;
- (b) references to an officer being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained shall respectively be construed as including references to him contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct, and to the date on which such disease is contracted.

(3) An officer who dies as a result of injuries received while travelling in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).

(4) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the officer’s death.

11. A pension or gratuity payable under this Act shall not be assignable or transferable except for the purpose of satisfying—

Pensions,
etc., not
to be
assignable.

- (a) a debt due to the Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the officer to whom the pension or gratuity is payable,

and shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatever except a debt due to the Government:

Provided that an assignment or transfer of not more than one-fifth of any commuted pension gratuity payable by virtue of this Act may be made for the purpose of repaying a debt due to the Jamaica Civil Service Mutual Thrift Society Limited.

Regulations.

12/1992
S. 4.

12.—(1) The Minister may make regulations generally for the carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, may, taking into account any recommendations contained in the report referred to in section 4A, make regulations—

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Sch.

- (a) relating to the terms of service of, and the allowances payable to, or in respect of, offices to which section 4A(1) or (1A) applies;
- (b) applying, with such adaptations and modifications as he thinks fit, the provisions of this Act and of the Pensions Act in relation to a Judge who has other public service.

(2) Whenever the Minister is satisfied that it is equitable that any regulation made under subsection (1) should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose:

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

Second
Schedule.

(3) Until varied or revoked by regulations made under subsection (1) the regulations set out in the Second Schedule shall have effect.

Second
Schedule.

(4) All regulations made under this section shall have the same force and effect as if they were contained in the Second Schedule.

FIRST SCHEDULE

(Section 6)

Circumstances	Rate of Pension
1. If the officer had public service together with which his service as a Judge constitutes continuous service and retires on attaining the age of 55 years or, not having attained that age, on the ground of ill health.	An annual rate equivalent to two-thirds of his pensionable emoluments at date of retirement.
2. If the officer had such public service as aforesaid and retires on or after attaining the age of 65 years or, having attained the age of 55 years, on the ground of ill health.	An annual rate equivalent to his pensionable emoluments at date of retirement.
3. If the officer had such public service as aforesaid and retires after attaining the age of 55 years but before attaining the age of 65 years and his rate of pension does not fall to be determined under paragraph 2 of this Schedule.	An annual rate equivalent to the sum of two-thirds of his pensionable emoluments at date of retirement and one-three hundred and sixtieths of such pensionable emoluments in respect of each month of service as a Judge after attaining the age of 55 years.
4. If the officer retires at any age from the office of Chief Justice or President of the Court of Appeal.	An annual rate equivalent to his pensionable emoluments at date of retirement.
5. If the officer retires in circumstances under which the rate of pension does not fall to be determined in accordance with paragraph 1, 2, 3 or 4 of this Schedule.	An annual rate equivalent to the sum of one-third of his pensionable emoluments at date of retirement and one-three hundred and sixtieths of such pensionable emoluments in respect of each month of service as a Judge: Provided that the rate of pension shall not exceed the annual rate of such pensionable emoluments.

SECOND SCHEDULE (Section 12)
THE JUDICIARY REGULATIONS

Preliminary

- Citation. 1. These Regulations may be cited as the Judiciary Regulations, 1973.
- Interpretation. Appendix II. 2. In these Regulations "leave passage" has the meaning assigned to it in Appendix II.

Leave and Leave Passages

- Authority to grant leave and leave passages. 3. Authority to grant leave of any kind, to authorize a Judge to be absent from Jamaica and to authorize the payment of leave passages shall—
- (a) in the case of the Chief Justice or the President of the Court of Appeal, be vested in the Governor-General;
- (b) in any other case, be vested in the Chief Justice.

- Leave entitlement. Appendix I. 4. (1) Subject to paragraph (2), the leave for which Judges are eligible and the extent to which any leave may be accumulated and other provisions applicable thereto are as set out in Appendix I.

(2) Where in any case, at the 1st day of April, 1973, leave in excess of the rates prescribed under paragraph (1) formed a part of the terms and conditions of a Judge's service his eligibility for leave and the extent to which such leave may be accumulated shall continue to be regulated by those terms and conditions.

(3) Nothing in this regulation shall preclude the grant of special leave on terms approved with the concurrence of the Minister responsible for finance.

- Leave passages. 5. Judges shall be eligible for leave passages in accordance with the provisions set out in Appendix II.

Housing

- Housing. 6. (1) Subject to the provisions of this regulation fully furnished residences of a standard and in a locality approved by the Chief Justice shall be provided for all Judges—
- (a) in the case of the Chief Justice and of the President of the Court of Appeal, rent free;
- (b) in all other cases, at an annual rental equivalent to the sum of—
- (i) 10% of the annual salary of the Judge subject to a maximum of \$360 per annum; and
- (ii) 3% of the value of the furniture.

(2) Where a residence of suitable quality is not provided or available a house allowance shall be paid to the Judge at a rate approved by the Minister responsible for finance.

(3) The allocation of houses to Judges shall be in the discretion of the Chief Justice subject to the approval of the Minister responsible for finance.

Transport and Subsistence

7. Each Judge shall be paid a transport allowance at the rate approved by the Minister responsible for finance for the upkeep of his means of transport. Transport allowance

8. Where for the purposes of any official duty a Judge is required to travel to any parish other than Kingston or Saint Andrew he shall, in respect of such travel, be paid a commuted travel and subsistence allowance at the rate of \$30 per day. Subsistence.

Telephones

9. There shall be paid for the Chief Justice and the President of the Court of Appeal the cost of rental of a telephone at their respective residences and also such metered and other telephone charges (excepting overseas calls) as are claimed by them. Telephone allowance.

Medical Treatment

10. A Judge is entitled, without charge, to operative, medical and psychiatric treatment, X-ray, bacteriological and pathological examinations, and physiotherapy treatment and to all incidental hospitalization services at any hospital or other institution established and maintained (whether wholly or partly) by the Government. Medical treatment.

Entertainment and other Allowances

11. There shall be paid— L.N.
166/77

(a) to the Chief Justice;

(b) to the President of the Court of Appeal; and

(c) to the other Judges of the Court of Appeal and of the Supreme Court, Entertainment and other allowances.
L.N.
166/77

such entertainment and other allowances as may from time to time be determined by the Minister responsible for finance.

[The inclusion of this page is authorized by L.N. 68/1978]

APPENDIX I

(Regulation 4)

1. (1) The annual rates of vacation, sick and departmental leave shall be as follows—

<u>Vacation</u>	<u>Sick</u> (Calendar Year)	<u>Departmental</u> (Calendar Year)
35 days accumulative to 105 days:	14 days	14 days

Provided that vacation leave may be accumulated to a maximum of 175 days in the case of a Judge who, having accumulated 105 days, is denied leave owing to the exigencies of the service.

L.N.
166/77

(2) Additional sick leave may be granted in such circumstances and on such terms and conditions as may be approved—

- (a) in the case of the Chief Justice or the President of the Court of Appeal, by the Governor-General;
- (b) in any other case, by the Chief Justice.

L.N.
166/77

2. Leave other than departmental leave will normally count from the working day after a Judge ceases duty until the working day preceding that on which he resumed duty (both dates inclusive).

3. (1) Any leave granted may be cancelled if it is desirable that a Judge should resume duty before the expiration of the leave granted, so, however, that subject to sub-paragraph (2), the unexpired portion of leave may be taken on a subsequent occasion.

(2) Any further accumulation of leave consequent on cancellation shall be subjected to the limits prescribed in paragraph 1 of this Appendix.

4. Where vacation leave is spent in some place other than Jamaica the time necessarily taken on the journey to and from that place (not exceeding 14 days each way) shall be regarded as travel time in respect of which salary is payable and shall not count as part of the leave granted:

Provided that the travel time concession shall not be granted—

- (a) unless the Judge—
 - (i) has not less than two years service (including, where appropriate, public service together with which his service as a Judge is continuous); or
 - (ii) completes not less than two years service after the last occasion on which he was granted the concession; or
- (b) if the Judge is proceeding on leave prior to retirement or resignation.

APPENDIX II (Regulations 3 and 5)

Leave Passages

1. (1) In this Appendix—

Interpre-
tation.

“children” means the children of a Judge (including legally adopted children and step-children of the Judge or of his wife) who are below the age of 18 years, or if attending full-time at a recognised educational institution below the age of 21 years, unmarried and dependent upon him; L.N. 618/1983.

“Government” means the Government of Jamaica;

“leave passage” means return first class passages by sea or air or overland or any combination of these by a route approved as a normal route between Jamaica and some other country, provided by the Government for a Judge, his wife (if any) and children (if any):

Provided that—

(a) the cost to the Government in respect of each person shall not exceed—

(i) the full actual cost of a first class return passage to that country; or

(ii) \$966 or such other sum as the Minister responsible for finance may from time to time approve,

whichever is the less; and

(b) the total amount payable by the Government shall not exceed \$3,900 or such other sum as the Minister responsible for finance may from time to time approve;

“prescribed minimum tour” means a period of three years’ service as a Judge commencing on the later of the following dates, that is to say—

(a) the date of appointment as a Judge; or

(b) the date of resumption of duty after the expiration of any leave which was the occasion of the grant of a passage allowance or any portion thereof, or, if there be more than one such date, the last such date,

and for the purposes of this definition a period of public service with which service as a Judge was continuous shall be treated as if it were service as a Judge;

“tour” means a period of service as a Judge in respect of which entitlement to leave passages accrues and includes any period of leave which was not the occasion of the grant of leave passages or any portion of a leave passage.

(2) In this Appendix where reference is made to a Judge’s wife the reference shall, in the case of a female Judge, be deemed to include reference to the Judge’s husband. L.N. 166/77

Grant of leave passages on completion of minimum tours.

2. Subject to paragraphs 4, 5 and 6, a Judge shall, on his application, be entitled to the grant of leave passages in respect of himself, his wife and children in so far as they are included in his application if, having completed the prescribed minimum tour, he is authorized to be absent from Jamaica and travels abroad on leave.

Family may travel in advance of or after Judge.

3. Leave passages shall be payable in such manner as to enable a Judge's wife or children or both the wife and children to precede or to follow him, if he so desires, on the outward or return journey, as the case may require.

Leave passages granted to suit convenience of Government.

4. Where a Judge is granted vacation leave, not earlier than six months prior to the completion of the prescribed minimum tour, to suit the convenience of Government or on the ground of public interest, he shall nevertheless be granted leave passages provided that his next tour shall be lengthened by the period by which the preceding tour was shortened.

Leave passages before completion of tour.

5. (1) Where leave is desired on grounds of ill health, urgent private affairs or for purposes of study, a Judge who has not completed the prescribed minimum tour may be granted such proportion of the cost of leave passages as the period of his service which might be taken into account in computing the prescribed minimum tour bears to the prescribed minimum tour.

(2) A similar facility may be granted where the leave passages are required on grounds other than those specified in sub-paragraph (1) if the Judge has served for at least one-half of the prescribed minimum tour.

Leave passages prior to retirement.

6. (1) A Judge may be granted leave passage to enable him to proceed abroad on leave prior to retirement on pension, so, however, that if he has not at the commencement of his leave completed the prescribed minimum tour he may be granted such proportion of the cost of leave passages as the period of his service which might be taken into account in computing the prescribed minimum tour bears to the prescribed minimum tour.

(2) Leave passages shall be granted under sub-paragraph (1) only if the Judge leaves the Island before the date on which his retirement takes effect.