

Judges (Remuneration and Pensions)

Cap. 115A.

**JUDGES (REMUNERATION AND PENSIONS)
(CONDITIONS OF SERVICE AND
ALLOWANCES) REGULATIONS, 1969**

Authority: These Regulations were made on 2nd September, 1969 by the Governor-General under section 15 of the *Judges (Remuneration and Pensions) Act*.
Commencement: 8th September, 1969.

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| 1969/148. | 1985/92. |
| 1970/71. | 1989/101. |
| 1973/72. | 1991/20. |
| 1979/24. | 1997/21. |
| 1979/159. | 1997/95. |
| 1980/152. | 2000/101. |
| 1982/50. | 2002/75. |
| 1982/177. | 2003/169. |
| 1984/114. | 2007/21. |
| 1985/28. | 2008/126. |

1. These Regulations may be cited as the *Judges (Remuneration and Pensions) (Conditions of Service and Allowances) Regulations, 1969*. Short title.

Preliminary

2. For the purposes of these Regulations, Interpretation.

"child" means the child of a Judge (including a legally adopted child) who is under the age of 20 years, unmarried and wholly or mainly dependent on him, and includes a child who is over the age of 20 years but is mentally deficient or physically incapacitated and is wholly or mainly dependent on him;

"court vacation" means the whole of any period prescribed as a court vacation by an order of the Governor-General made under the *Supreme Court of Judicature Act*;

Cap. 117A.

"minimum tour of service" means

- (a) qualifying service for a period of not less than 28 months;
or

- (b) service as a Judge for a period of not less than 28 months beginning with the date on which a Judge returns to duty from vacation leave with passage paid;

"qualifying service" means service as a Judge from the commencement of these Regulations, and includes any period of service before such commencement which was service at the qualifying salary for the purposes of the *Leave Passages Order, 1966*;

L.N. 17/
1966.

"tour of service" means

- (a) qualifying service for a period of not less than 4 years; or
- (b) service as a Judge for a period of not less than 4 years beginning with the date on which a Judge returns to duty from vacation leave with passage paid.

Leave and Leave Passage Allowances

Grant
of leave.

3. Subject to and in accordance with these Regulations, a Judge may be granted by the Governor-General acting in his discretion leave for such purposes and for such periods as are specified in these Regulations.

Court
vacation.

4. Subject to such assignments for duty as the Chief Justice may make for the execution of any vacation business of the Supreme Court, Judges shall be on vacation during all court vacations.

Absence
abroad.

5. A Judge may go abroad during any court vacation with the approval of the Chief Justice and the Governor-General.

Leave
entitlement.

6. (1) A Judge is eligible for 42 days' vacation leave annually and such leave may be accumulated up to a maximum of 126 days.

(2) For the purposes of these Regulations, the period during which a Judge is on court vacation shall not be included in computing the leave for which he is eligible under this regulation.

(3) A Judge is eligible for 21 days' sick leave annually. In the case of a Justice of Appeal and a Judge of the High Court, such leave may be granted by the Chief Justice; but where it is necessary for the Chief Justice to take sick leave, he shall report his absence to the Governor-General.

(4) Without prejudice to paragraphs (1) and (4), a Judge may be granted duty leave and leave for such other purposes in the public interest as the Governor-General may consider appropriate.

7. (1) Extensions of leave may be granted on the ground of ill health to a Judge for a period not exceeding 6 months, and where there is reason to believe that the Judge will ultimately be fit for further service, for a further period not exceeding 6 months. Extensions of leave.

(2) Any such extension of sick leave may, if the Governor-General considers it appropriate so to do, be deducted from any vacation leave for which a Judge is eligible under regulation 6.

(3) Extensions of leave may also be granted to a Judge on the grounds of public interest.

(4) Extensions of leave shall date from the expiration of the original leave.

8. (1) Subject to these Regulations, a Judge after completing a tour of service is entitled to the payment of return passages for himself and his wife to any territory within or outside the Caribbean area. Entitlement to leave passages.

(2) Notwithstanding paragraph (1), on one occasion during his career when a Judge is granted return passages for himself and his wife he is also entitled to the payment of an additional return passage for the benefit of any child or children of his to any territory to which such return passages have been granted for himself and his wife.

(3) The cost of all passages to which a Judge is entitled on the occasion referred to in paragraph (2) shall not exceed the cost of return passages for 3 adults.

1982/50. (4) This regulation does not operate in favour of a Judge whose appointment to judicial office was made after the 31st December, 1979; but a Judge who is appointed to a judicial office after that date is eligible for the benefits of this regulation if he became entitled to them before being so appointed.

Restriction on number of leave passages. **9.** Subject to these Regulations, a Judge may not be granted a leave passage

(a) to any territory outside the Caribbean area on more than 2 occasions during his career; or

(b) to any territory within the Caribbean area on more than 2 occasions during his career,

unless he is travelling on Government business.

Judge's wife not of herself entitled to payment of passages. **10.** (1) A Judge's wife is not in her own right eligible for the payment of a passage, and no payment towards passage may be made for her unless she accompanies her husband or travels not more than 6 months before or after the date of his departure from Barbados.

(2) The Governor-General may extend the period of 6 months in the event of

(a) serious illness of a Judge, his wife or of any of his children; or

(b) an alteration in the date of departure from Barbados of the aircraft or ship on which the passage is booked; or

(c) a delay in the Judge's departure at the request of the Governor-General.

(3) No payment may be made under regulation 6 in respect of a return passage for a Judge's wife who has been granted a return passage in her own right as a public officer or the holder of a judicial office unless she has completed a period of 4 years' service since her return to duty from leave with passage paid; but if she has completed a period of service of 28 months since her return to duty from leave with passage paid, payment of passage may be made in accordance with regulation 9.

11. Notwithstanding regulation 6, a Judge who completes a minimum tour of service is entitled to the payment of passages for himself and his wife to an amount which bears the same proportion to the amount payable under regulation 10 in respect of such passages as his period of service bears to the tour of service.

Entitlement
after
minimum
tour.

12. (1) Subject to paragraph (2), the amount paid for a return passage to any territory outside or within the Caribbean area shall be the same as the amount paid to public officers under the *Leave Passages Order, 1966* or such other amount as may be determined by the Minister responsible for Establishments.

Cost of
passages.
L.N. 17/
1966.

(2) Subject to paragraph (3), where the actual cost of a passage is less than the amount specified by the Minister responsible for Establishments the amount paid for the passage shall not exceed the actual cost of that passage.

(3) Where there is a difference between the actual cost of a passage and the amount specified under paragraph (2), the difference may be utilised towards payments of passages for the Judge's child or children, if any.

13. A Judge shall,

(a) in the case of leave with passage paid outside the Caribbean area, remain for not less than 2 months outside the Caribbean area; and

Minimum
period of
leave to be
spent
outside
Barbados.

(b) in the case of leave with passage paid within the Caribbean area, remain for not less than 6 weeks outside Barbados,

unless the Governor-General, acting in his discretion, permits him to return to the Caribbean area or to Barbados, as the case may be, within either of the periods specified in paragraph (a) or (b).

14. *Revoked by S.I. 1984/114.*

Transport

- Transport allowances. 1989/101.
2008/126.
- 15.** The Chief Justice and every other Judge may opt
- (a) to receive an official car fully maintained by Government; or
- (b) to be paid a transport allowance at the following rate:
- (i) \$10 946.64, with effect from 1st April 2008; and
- (ii) \$11 439.24, with effect from 1st April 2009.
- Advance for purchase of motor car. 1977/46.
2001/36.
- 16.** A Judge who is not provided with an official car shall for the purpose of purchasing or refurbishing a motor car be entitled to an advance of the same amount as that to which a public officer is entitled and on terms no less favourable than those applicable to those officers under the *Public Officers Loan and Travelling Allowances Regulations, 2001*.

Judicial Allowance

- Judicial allowance. 2003/169.
- 16A.** A personal allowance known as a judicial allowance shall be paid to the holder of a judicial office set out in the *Schedule* at the rate, corresponding to each office, as specified in the *Schedule*.

Entertainment

- Entertainment allowances. 2003/169.
- 17.** An entertainment allowance shall be paid to the holders of the judicial offices set out in the *Schedule* at the rates, corresponding to each office, as specified in the *Schedule*.
- Appellate allowances. 1977/46.
1979/24.
1980/152.
1991/20.
- 18.** (1) A Judge, by virtue of the appellate functions he performs, is entitled to an allowance of \$5 400 per annum.
- (2) After 4th November, 1991, paragraph (1) shall continue to apply only to those persons who held judicial office on the day immediately preceding that date, and those persons shall continue to receive that allowance as a personal allowance.

19. *Omitted.*

20. The allowances provided for in these Regulations shall not be accountable nor subject to abatement during a Judge's absence on leave or on duty. Allowances non-accountable. 1977/46.

SCHEDULE

2008/126.

(Regulations 16A and 17)

PART I

Judicial Office

Judicial Allowance

- | | |
|-----------------------------|--|
| (a) Chief Justice | \$33 679.44, with effect from 1st April, 2008 \$35 195.04, with effect from 1st April, 2009 |
| (b) Justice of Appeal | \$30 329.76, with effect from 1st April, 2008 \$31 694.64, with effect from 1st April, 2009 |
| (c) Judge of the High Court | \$28 648.56, with effect from 1st April, 2008 \$29 937.72, with effect from 1st April, 2009 |

PART II

Judicial Office

Entertainment Allowance

- | | |
|-----------------------------|---|
| (a) Chief Justice | \$23 112.24, with effect from 1st April, 2008 \$24 152.28, with effect from 1st April, 2009 |
| (b) Justice of Appeal | \$19 440.36, with effect from 1st April, 2008 \$20 315.16, with effect from 1st April, 2009 |
| (c) Judge of the High Court | \$15 864.96, with effect from 1st April, 2008 \$16 578.84, with effect from 1st April, 2009. |

THE LAWS OF BARBADOS