

REPUBLIC OF KIRIBATI
(No. 14 of 2017)

I assent,

Beretitenti

AN ACT

entitled

**AN ACT TO PRESCRIBE THE NUMBER OF JUDGES OF THE HIGH COURT,
THEIR APPOINTMENT, SALARIES, ALLOWANCES AND OTHER
CONNECTED PURPOSES**

Commencement:

23/12/2017

WHEREAS the Judiciary of Kiribati is by the Constitution independent of the Executive and the Legislature in the exercise of its judicial functions.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

PART I - Preliminary

Short Title

1. This Act may be cited as the High Court Judges (Salaries and Allowances) Act.

Interpretation

2. Unless the context provide otherwise:-

I-Kiribati has the same meaning provided under the Citizenship Ordinance (CAP. 8A).

Medical Officer: an officer appointed under the Medical Services Act

Minister: means the Minister responsible for the administration of this Act.

Workmen compensation: means any injury sustained in the course of and arising out of the nature of the work. It includes accident that happened in the course of attending and returning from work.

Part II – Judges of the High Court

Number of other Judges

3. There shall be not less than two nor more than five other Judges appointed to the High Court of Kiribati.

Qualifications to the High Court

4. Pursuant to the provision of the Constitution, a person may be appointed under this section as a Judge if that person has the following qualifications or experience:-

- a). has been a Judge in another Commonwealth Jurisdictions, and, or
- b). has been a barrister or solicitor for a period of not less than 5 years.

Provided that having been qualified under this provision and without prejudice, special consideration may be afforded where possible to an I-Kiribati.

Part III – Tenure and Removal from Office

Tenure of Office

5. (1). Pursuant to section 83 (1) of the Constitution, the tenure of office for the judges of the High Court shall be subject to the appointment.

(2). Where the appointment was made for a fixed period, the appointment may be further extended provided the appointee's age during the period of appointment does not exceed 65 years.

Removal from office

6. Pursuant to section 83 (2) of the Constitution, a Judge may be removed from office on the following grounds:-

- a). for inability to discharge the functions of the office;
- b). misbehaviour.

Provided that a Judge shall only be removed or suspended by the Beretitenti following the requirement of section 83(3), 83(4) and 85(5) of the Constitution.

Part IV – Salaries and Allowances

Salaries and Duty Allowances

7. (1). The Minister, acting in accordance with the advice of the Cabinet, may by regulations prescribe the:-

- a). annual salary;

- b). an appointment grant;
- c). entertainment allowance;
- d). a judiciary special security allowance;
- e). a judiciary extra duty allowance.

that shall be paid to the holder of an office specified in the Schedule.

(2). The regulation shall be reviewed once every three years, provided that the salaries and allowance shall not be reviewed to the disadvantage of the holder of the office.

Workmen Compensation

8. The Chief Justice and all Judges shall be entitled to a Workmen Compensation in the case of:-

- a). personal injury in the sum of not more than \$10,000
- b). partial incapacitation in the sum of not more than \$25,000
- b). in the case of loss of life in the sum of not more than \$50,000.00

Housing Allowance

9. The Chief Justice and all Judges shall be entitled to a free Government housing, including free water and electricity during his service as a Judge.

Provided that if any Judge is not allocated Government housing, he shall be entitled to such housing allowance not less than a subsidised rate for a Grade "B" government housing as the Minister shall, with the approval of the Cabinet, from time to time determine.

Transport Allowances

10. The Chief Justice and all Judges shall be entitled to a free government transport, including fuel, and a driver.

Security Allowances

11. The Government shall be responsible for providing adequate security to the office holders specified in the Schedule at the resident and office compound.

Medical Entitlement

12. The Chief Justice and all Judges shall be entitled to free medical services. Where overseas medical treatment is recommended by a Medical Officer, the Government shall bear the cost of such treatment.

Benefits under the National Condition of Services

13. The holder of the office specified in the Schedule shall be entitled to all benefits available to the public officers under the National Condition of Services or other regulations which are not covered under this Act.

Spouse Travelling Allowance

14. (1). The spouse of the Judge shall be entitled to accompany the office holder once every two years to attend any official trip and to a per diem allowance equal to 50% payable to the Judge.

(2). The spouse of the Judge is entitled to accompany the Judge on an official internal trip and having the same per diem entitlement.

Telecommunication Allowance

15. The Chief Justice and Puisne Judge is entitled to a telecommunication allowance.

Payments charged on Consolidated Fund

16. All payments required by virtue of the provisions of this Act shall be charged to the Consolidated Fund.

Regulations

18. The Minister, acting in accordance on the advice of Cabinet, may make regulations in respect of the terms and conditions of service and allowances of the holder of an office specified in the Schedule.

SCHEDULE
(Section 3)

Chief Justice
Puisne Judge
President Court of Appeal
Justice of Appeal

EXPLANATORY MEMORANDUM

The purpose of the Act is to provide for the prescribed number of judges of the High Court in light of the Constitution requirement. In the common law jurisdictions (Commonwealth Countries), salaries and allowances of judges of the Judiciary are provided by legislation. This allows for the independence and impartial of the Judiciary.

Section 1 and 2 of the Act provides for the short title and the interpretation clause.

Section 3 provides the prescribed number of the judges by a minimum of 2 and a maximum of 5.

Section 4 provides the qualification of the judges including their level of experience.

Section 5 and 6 deals with the tenure of office and the disciplinary grounds that may result in the removal of an office holder under the Act and the Constitution.

Section 7 to section 15 further provides other type of allowances that the officer holder is entitled to.

Section 16 provides that all payment are to be charged to the Consolidated Fund.

Section 17 provides powers for the Minister to make regulations for the terms, condition and allowances of an office holder.

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Hon Natan Teewe

Minister for Justice

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Judges (Salaries and Allowance) Act 2017 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 18th December 2017 and is found by me to be a true and correctly printed copy of the said Bill.

Eni Tekanene
Clerk of the Maneaba ni Maungatabu

**CERTIFICATE OF THE SPEAKER OF THE MANEABA NI
MAUNGATABU**

I certify that the above Bill, was on 18th December 2017 passed by the Maneaba ni Maungatabu upon a Certificate of Urgency under section 68(3)(a) of the Constitution.

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Hon. Tebuai Uai
Speaker of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 01 day of
January 2018.

Eni Tekanene
Clerk of the Maneaba ni Maungatabu

