

[Legal Notice No. 74]

**CONSTITUTIONAL OFFICES (TERMS AND CONDITIONS
OF SERVICE) (PUISNE JUDGES) REGULATIONS 2015**

Table of provisions

1.	Citation	2
2.	Interpretation	2
3.	Term of office	2
4.	Functions	2
5.	Salary	2
6.	NPF contributions	2
7.	Housing	2
8.	Security	3
9.	Utilities	3
10.	Domestic staff	3
11.	Vehicle	3
12.	Leave	4
13.	Transport on leave	4
14.	Compassionate leave travel	5
15.	Overseas travel allowance	5
16.	Overseas travel class	5
17.	Local travel allowance	5
18.	Clothing allowance	6
19.	Baggage allowance	6
20.	Entertainment allowance	6
21.	Medical treatment	6
22.	Funeral expenses	6
23.	Education allowance	6
24.	Higher duties	6
25.	Appointment grant	6
26.	Long service benefit	7
27.	Gratuity	7
28.	Termination grant	7
29.	Other benefits	7
30.	Schedule	7
31.	Review of Regulations	7
32.	Repeal and transitional provision	7
	SCHEDULE	9

**CONSTITUTIONAL OFFICES (TERMS AND CONDITIONS
OF SERVICE) (PUISNE JUDGES) REGULATIONS 2015**

IN exercise of the powers conferred by section 3 of the *Constitutional Offices (Terms and Conditions of Service) Act* (Cap.84), I make these Regulations:

1. Citation

These Regulations may be cited as the *Constitutional Offices (Terms and Conditions of Service) (Puisne Judges) Regulations 2015*.

2. Interpretation

(1) In these Regulations:

“**child**”, of a Puisne Judge, means a child of the Puisne Judge who is under 21 years of age and who is living with and financially dependent on the Puisne Judge.

(2) Unless otherwise specified, if an amount is expressed in dollars in these Regulations, the dollars are Solomon Islands dollars.

3. Term of office

The term of office of a Puisne Judge is as specified in section 80 of the Constitution.

4. Functions

The functions of a Puisne Judge are those prescribed under Part II of Chapter VII of the Constitution.

5. Salary

A Puisne Judge is entitled to the fortnightly salary specified in the Schedule.

6. NPF contributions

A Puisne Judge must make contributions to the Solomon Islands National Provident Fund as required under the *National Provident Fund Act* (Cap.109)

7. Housing

- (1) A Puisne Judge is entitled:
 - (a) to be provided with an official residence free of rent; or
 - (b) at the option of the Puisne Judge, to be paid the monthly housing allowance specified in the Schedule.
- (2) The Puisne Judge may elect to receive up to 4 years of the housing allowance in advance for the purpose of purchasing a residence.
- (3) If the Puisne Judge elects to receive an advance on the housing allowance:
 - (a) subregulation (1) does not apply for the period of the advance; and
 - (b) the Puisne Judge is not entitled to receive any increase in the allowance that is made during the period of the advance.
- (4) If a Puisne Judge receives an advance on the housing allowance and the Puisne Judge ceases to hold office before the end of the period of the advance, the outstanding amount of the advance is a debt due and payable by the Puisne Judge to the Government.

8. Security

The Government is responsible for providing adequate security at the official residence of a Puisne Judge.

9. Utilities

The Government must either;

- (a) at the option of a Puisne Judge, pay the Puisne Judge the monthly utilities allowance specified in the Schedule; or
- (b) pay the cost of water, gas, telephone, and electricity provided to the Puisne Judge's official residence, and the cost of a mobile phone, up to a total amount each month not exceeding the monthly utilities allowance.

10. Domestic staff

The Government must pay the wages for the services of a driver and a domestic employee for a Puisne Judge's official residence.

11. Vehicle

- (1) A Puisne Judge is entitled:
 - (a) to be provided with a vehicle of a type compatible with the safety and security of the Puisne Judge and his or her family; or
 - (b) to be paid the monthly vehicle allowance specified in the Schedule.
- (2) The Government must replace a vehicle provided under subregulation (1) at least once every 5 years.
- (3) The Government must give the Puisne Judge the option to purchase the replaced vehicle at a price determined by the Permanent Secretary of the Ministry responsible for infrastructure.
- (4) If the Puisne Judge elects to receive a monthly vehicle allowance, the Puisne Judge may elect to receive up to 4 years of the vehicle allowance in advance for the purpose of purchasing a vehicle.

- (5) If the Puisne Judge elects to receive an advance on the vehicle allowance for a vehicle:
 - (a) subregulation (1) does not apply in relation to the vehicle for the period of the advance; and
 - (b) the Puisne Judge is not entitled to receive any increase in the monthly vehicle allowance that is made during the period of the advance.
- (6) If a Puisne Judge receives an advance on the vehicle allowance and the Puisne Judge ceases to hold office before the end of the period of the advance, the outstanding amount of the advance is a debt due and payable by the Puisne Judge to the Government.
- (7) The Puisne Judge is entitled to be paid the monthly fuel allowance specified in the Schedule.

12. Leave

- (1) A Puisne Judge is entitled to annual leave at the rate of 3.5 days each month (42 days each year) for every year of service.
- (2) Annual leave must be taken during the year of service in which it accrues.
- (3) The Puisne Judge is entitled to long service leave for 60 consecutive days for every 5 years of continuous service.

13. Transport on leave

- (1) A Puisne Judge, his or her spouse and any child of the Puisne Judge are each entitled to one free return air or sea passage from Honiara to a relevant place of domicile for each entitlement of 42 days annual leave or 60 days long service leave.

- (2) In this regulation:

“relevant place of domicile” means:

- (a) the Puisne Judge’s place of domicile; or
- (b) if the Puisne Judge’s spouse is not a citizen of Solomon Islands, the spouse’s place of domicile.

14. Compassionate leave travel

A Puisne Judge is entitled to 2 return air or sea passages from Honiara to another place within Solomon Islands each year if required for the purpose of compassionate leave.

15. Overseas travel allowance

- (1) While on official travel outside Solomon Islands, a Puisne Judge is entitled:
 - (a) to the daily overseas travel allowance specified in the Schedule; and
 - (b) to have transport and accommodation provided.
- (2) If the Puisne Judge is accompanied by his or her spouse on official travel outside Solomon Islands, the spouse is entitled to the daily overseas travel allowance.
- (3) If the travel allowance of the Puisne Judge or his or her spouse is funded by a source other than the Government and the amount paid for each day is less than the daily overseas travel allowance, the Government must pay the difference between the amount paid and the daily overseas travel allowance.

16. Overseas travel class

- (1) A Puisne Judge is entitled to first class air travel (or, if unavailable, the next available travel class) on all official travel outside Solomon Islands.

- (2) If the Puisne Judge is accompanied by his or her spouse on official travel outside Solomon Islands, the spouse is entitled to first class air travel (or, if unavailable, the next available travel class).

17. Local travel allowance

- (1) While on official travel within Solomon Islands, a Puisne Judge is entitled:
 - (a) to the daily local travel allowance specified in the Schedule; and
 - (b) to have transport and accommodation provided.
- (2) If the Puisne Judge is accompanied by his or her spouse on official travel within Solomon Islands, the spouse is entitled to the daily local travel allowance.

18. Clothing allowance

A Puisne Judge is entitled to the annual clothing allowance specified in the Schedule.

19. Baggage allowance

A Puisne Judge is entitled to the baggage allowance prescribed for public officers in the General Orders made under the *Public Service Act* (Cap.92).

20. Entertainment allowance

A Puisne Judge is entitled to the annual entertainment allowance specified in the Schedule.

21. Medical treatment

- (1) A Puisne Judge, his or her spouse and any child of the Puisne Judge are each entitled to medical examination and treatment in accordance with the terms prescribed for public officers in the General Orders made under the *Public Service Act* (Cap.92).
- (2) The Puisne Judge, his or her spouse and any child of the Puisne Judge are each entitled to receive medical examination and treatment outside Solomon Islands at the expense of the Government if a medical practitioner engaged by the Ministry responsible for health certifies that the examination or treatment:
 - (a) is necessary; and
 - (b) is not available in Solomon Islands.

22. Funeral expensess

If a Puisne Judge dies while in office, the Government must pay all funeral expenses and any expenses incidental to the funeral.

23. Education allowance

A Puisne Judge is entitled to the annual education allowance specified in the Schedule.

24. Higher duties

A Puisne Judge is entitled to the daily higher duties allowance specified in the Schedule whenever he or she is required to perform the duties of an office specified opposite the allowance.

25. Appointment grant

A Puisne Judge is entitled to the appointment grant specified in the Schedule on his or her first appointment as Puisne Judge.

26. Long service benefit

- (1) On completing 7 years of continuous service, a Puisne Judge is entitled to a long service benefit of 25% of his or her annual salary as at the date the benefit accrues for each year of service.
- (2) At the end of each year of continuous service after 7 years of continuous service, a Puisne Judge is entitled to a long service benefit of 25% of his or her annual salary as at the date the benefit accrues.

27. Gratuity

A Puisne Judge is entitled to a gratuity at the end of each completed year of service of 10% of his or her annual salary as at the date the Puisne Judge completes the year of service.

28. Termination grant

At the end of a Puisne Judge's term of office, the Puisne Judge is entitled to the termination grant specified in the Schedule.

29. Other benefits

A Puisne Judge is entitled to all other benefits available to a public officer under the General Orders or regulations made under the *Public Service Act* (Cap.92) that are not inconsistent with and not dealt with by these Regulations.

30. Schedule

The Schedule has effect.

31. Review of Regulations

These Regulations must be reviewed annually to determine whether it is appropriate to make an adjustment to the rates of salary and allowances for a Puisne Judge.

32. Repeal and transitional provision

The following regulations are repealed:

- (a) the *Constitutional Offices (Terms and Conditions of Service) (Puisne Judges) Regulations 2010* (LN 76 of 2010);
- (b) the *Constitutional Offices (Terms and Conditions of Service) (Puisne Judge) (Amendment) Regulations 2013* (LN 101 of 2013).

MADE AT HONIARA this tenth day of August, 2015.

HON. MANASSEH DAMUKANA SOGAVARE
PRIME MINISTER

SCHEDULE

AMOUNTS PAYABLE TO PUISNE JUDGE

regulation 30

Regulaion	Description	Amount
5	Fortnightly salary	\$6,730.77
7	Monthly housing allowance	\$15,000
9	Monthly utilities allowance	\$5,000
11	Monthly vehicle allowance	\$5,000
11	Monthly fuel allowance	\$3,000
15	Daily overseas travel allowance	US\$300
17	Daily local travel allowance	\$400
18	Annual clothing allowance	\$12,000
20	Annual entertainment allowance	\$9,500
23	Annual education allowance	\$12,000
24	Daily higher duties allowance	\$50
	<ul style="list-style-type: none"> • Governor-General, Chief Justice or Deputy Chief Justice • Judge of the Court of Appeal 	\$50 the daily sitting fee for a Judge of the Court of Appeal
25	Appointment grant	\$12,000
28	Termination grant	\$400,000