

Judicial Service (Amendment) Regulations, 2025 (No. 3)

IT is hereby notified that the Judicial Service Commission has, in terms of section 5(1) of the Judicial Service Act [*Chapter 7:18*], made the following regulations with the concurrence of the Minister of Justice, Legal and Parliamentary Affairs:—

1. These regulations may be cited as the Judicial Service (Amendment) Regulations, 2025 (No. 3).

2. These regulations shall come into effect on the 1st of May, 2025.

3. The Judicial Service Regulations, 2015, published in Statutory Instrument 30 of 2015, are amended by the repeal of the existing sections 16 and 17 and the substitution of—

“Pensionable age and mandatory retirement

16. (1) Subject to section 17, a member appointed on pensionable terms of service—

(a) before the effective date, may have a pensionable age of sixty-five years with the option to retire at seventy years on full pension:

Provided that any retirement after the year of the sixty-fifth anniversary and before the seventieth anniversary shall be deemed to be early retirement;
or

(b) on or after the effective date, shall have a pensionable age of seventy years.

(2) A member’s pensionable age shall be recorded on the member’s record of employment for pension purposes.

(3) The Paymaster shall, on the 1st of June each year, provide the Commission with a list of members who will reach the age of sixty, sixty-five, or seventy years during the ensuing year.

(4) The Commission may, when it is in the interest of the Judicial Service to do so, permit a member whose pensionable age is sixty-five to continue to serve beyond the age of sixty-five for periods not exceeding one year at a time, provided that such member shall retire at the age of seventy years.

Retirement before reaching pensionable age

17. (1) A member may, on giving three months' notice of retirement, be permitted by the Commission to retire before pensionable age at any time after attaining the age of sixty.

(2) The Commission may on, giving the equivalent appropriate period of notice prescribed under section 14(2) for the resignation of a member, require a member to retire on or after the date on which such member attains the age of sixty:

Provided that a member who, having been a member on pensionable conditions of service immediately before the effective date, has had continuous service as such member since that date, may not be required in terms of this subsection to retire before attaining the age of seventy years.

(3) The Commission may require a member to retire if, after having undergone a medical examination by a medical board appointed by the Secretary for Health, such member is found permanently unfit to carry out the duties of his or her post.

(4) Subject to these regulations, the Commission may require a confirmed member to retire—

- (a) if he or she becomes inefficient or incapable, for a reason other than mental or physical deficiency or infirmity, of efficiently performing his or her duties; or
- (b) if he or she is not suitable for the post he or she occupies or any other post to which he or she could be promoted or transferred without his or her consent; or
- (c) if the member has been employed for a continuous period of not less than 12 months in a post of a lower grade than his or her own grade and the Commission is satisfied that it is unable to transfer him or her within a reasonable period; or
- (d) owing to the abolition of the member's post; or

- (e) owing to the reduction in or adjustment of the organisation of the Commission; or
 - (f) if, at the termination of a period of secondment, the member has not been transferred to an approved service or appointed to a post in the Commission.
- (5) A member whom it is intended to retire in terms of subsection (2), (3) or (4) shall—
- (a) be given notice of such intention by the Commission; and
 - (b) be afforded an opportunity to make representations in writing concerning such intention to the Commission, which shall consider such representations before deciding on whether or not to retire the member.”.

