

**THE BENEFITS OF FORMER CHIEF JUSTICE
BILL, 2026**

MEMORANDUM

The objects of this Bill are to provide for—

- (a) the retirement benefits of a former Chief Justice; and
- (b) matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

N. A. B. 67, 2026
23rd April, 2026

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ARRANGEMENT OF SECTIONS

Section

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2. Application
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4. Retirement benefits of former Chief Justice
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SCHEDULES

A BILL

ENTITLED

An Act to provide for the retirement benefits of a former Chief Justice; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Benefits of Former Chief Justice Act, 2026.

Short title

2. This Act shall apply to a former Chief Justice who is serving as Chief Justice from the commencement of this Act.

Application

3. In this Act, unless the context otherwise requires—

Interpretation

10 “active politics” means the doing of an act indicating a person’s intention to hold an elective or appointive office, or holding an elective or appointive office, in a political party or in an organisation whose main aim is the furtherance of political objectives;

“child of the family” has the meaning assigned to the words “child of family” under the Children’s Code Act, 2022;

Act No. 12
of 2022

15 “Consolidated Fund” means the Consolidated Fund established under the Constitution;

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Cap.1	“Constitutional Court” means the Constitutional Court established under the Constitution;	
Cap.1	“emoluments” has the meaning assigned to the word in the Constitution;	
Cap.1	“former Chief Justice” means a person who, having served as Chief Justice for a period of at least five years, vacates office as Chief Justice in the manner specified under the Constitution;	5
Cap.1	“judge” has the meaning assigned to the word in the Constitution;	10
Cap.1	“Judicial Service Commission” means the Judicial Service Commission established under the Constitution;	
Cap.464	“motor vehicle” has the meaning assigned to the words in the Road Traffic Act;	
Cap.1	“political party” has the meaning assigned to the words in the Constitution; and	15
Cap.1	“Supreme Court” means the Supreme Court established under the Constitution.	
Benefits of former Chief Justice	4. (1) A former Chief Justice shall be entitled to a—	
	(a) tax-free monthly salary at the rate of eighty percent of the emoluments of the incumbent Chief Justice;	20
	(b) house built or bought in the Republic by the Government at a place of choice of the former Chief Justice or in lieu of the house, a one-off cash payment equivalent to forty percent of the one-off cash payment paid to a former President under the Benefits of Former Presidents and Former Vice-Presidents Act, 2026;	25
Act No. of 2026	(c) one driver and one motor vehicle;	
	(d) free maintenance of the vehicle referred to under paragraph (c) and fuel for the vehicle as the Judicial Service Commission may determine; and	30
	(e) the other benefits set out in the First Schedule.	
	(2) The one-off cash payment referred to under subsection (1)(b) shall be used to build or buy a house in the Republic at a place of choice of a former Chief Justice.	35

(3) A surviving spouse and child of the family of a former Chief Justice shall, where the former Chief Justice who is entitled to the benefits referred to under subsection (1) dies while in, or after vacating, office be entitled, jointly, to—

5 (a) the house built or bought in the Republic by the Government at a place of choice of the surviving spouse, if the house referred to under subsection (1)(b) is not built or bought for the former Chief Justice; and

10 (b) a tax-free monthly pension at the rate of fifty per cent of the emoluments of the incumbent Chief Justice.

(4) Where a former Chief Justice dies while in, or after vacating, office, the benefits referred to under —

(a) subsection (1)(a),(c),(d) and (e), shall not form part of the estate of the former Chief Justice; and

15 (b) subsection (1)(b), shall form part of the estate of the former Chief Justice.

5. Subject to the Intestate Succession Act, a surviving spouse of a former Chief Justice who remarries shall cease to be entitled to the benefits referred to under section 4(3).

Benefits of former Chief Justice on remarriage of surviving spouse
Cap. 59

20 6. (1) The benefits of a former Chief Justice referred to under section 4 shall not be paid or provided, if the former Chief Justice—

Circumstances when benefits not payable or provided

(a) is in receipt of a salary from the Government;

(b) is engaged in active politics;

25 (c) vacates office on the grounds of a violation of the Constitution or misconduct; or

Cap. 1

(d) is convicted of an offence under a written law and sentenced to imprisonment for a term exceeding six months without an option of a fine.

30 (2) Despite subsection (1), the benefits of a former Chief Justice referred to under this Act shall, in the case of —

35 (a) paragraph (1)(a), become payable or be provided if the former Chief Justice ceases to be in receipt of a salary from the Government, except where the former Chief Justice continues to hold office as a judge of the Supreme Court or Constitutional Court in accordance with Article 142(3) of the Constitution; or

(b) paragraph (1)(c), not become payable or be provided if the former Chief Justice ceases to be engaged in active politics.

(3) Despite subsection (1)(c) and (2)(b), the house referred to under section 4(1)(b) shall be retained by a former Chief Justice 5 where the former Chief Justice engages in active politics or ceases to be engaged in active politics.

Benefits to
be charged on
Consolidated
Fund
Transitional
provisions

7. The benefits referred to under this Act shall be a charge on the Consolidated Fund.

8. The benefits that are due to a former Chief Justice who 10 served prior to the commencement of this Act shall remain valid.

SCHEDULE
(Section 4(1))

OTHER BENEFITS FOR FORMER CHIEF JUSTICE

1. Diplomatic passport for the former Chief Justice and spouse.
 2. Medical insurance for the former Chief Justice and spouse.
 3. Foreign travel of up to one trip per annum.
 4. Local travel of up to one trip per annum.
 5. Twenty-four hours security service comprising two security officers.
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