



Treaty Series No. 47 (1953)

# Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Egyptian Government  
concerning

## Self-Government and Self-Determination for the Sudan

Cairo, February 12, 1953

[with Agreed Minutes, Exchanges of Notes and Statute]

*Presented by the Secretary of State for Foreign Affairs to Parliament  
by Command of Her Majesty  
July 1953*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE EGYPTIAN GOVERNMENT CONCERNING SELF-  
GOVERNMENT AND SELF-DETERMINATION FOR THE SUDAN**

*Cairo, February 12, 1953*

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the "United Kingdom Government") and the Egyptian Government,

Firmly believing in the right of the Sudanese people to Self-Determination and the effective exercise thereof at the proper time and with the necessary safeguards,

Have agreed as follows:—

**ARTICLE 1**

In order to enable the Sudanese people to exercise Self-Determination in a free and neutral atmosphere, a transitional period providing full self-government for the Sudanese shall begin on the day specified in Article 9 below.

**ARTICLE 2**

The transitional period, being a preparation for the effective termination of the dual Administration, shall be considered as a liquidation of that Administration. During the transitional period the sovereignty of the Sudan shall be kept in reserve for the Sudanese until Self-Determination is achieved.

**ARTICLE 3**

The Governor-General shall, during the transitional period, be the supreme constitutional authority within the Sudan. He shall exercise his powers as set out in the Self-Government Statute<sup>(1)</sup> with the aid of a five-member Commission, to be called the Governor-General's Commission, whose powers are laid down in the terms of reference in Annex I to the present Agreement.

**ARTICLE 4**

This Commission shall consist of two Sudanese proposed by the two contracting Governments in agreement, one Egyptian citizen, one citizen of the United Kingdom and one Pakistani citizen, each to be proposed by his respective Government. The appointment of the two Sudanese members shall be subject to the subsequent approval of the Sudanese Parliament when it is elected, and the Parliament shall be entitled to nominate alternative candidates in case of disapproval. The Commission hereby set up will be formally appointed by Egyptian Government decree.

**ARTICLE 5**

The two Contracting Governments agree that, it being a fundamental principle of their common policy to maintain the unity of the Sudan as a single territory, the special powers which are vested in the Governor-General by Article 100 of the Self-Government Statute shall not be exercised in any manner which is in conflict with that policy.

(1) See page 15 for text of Statute as promulgated.

## ARTICLE 6

The Governor-General shall remain directly responsible to the two Contracting Governments as regards:

- (a) external affairs;
- (b) any change requested by the Sudanese Parliament under Article 101 (1) of the Statute for Self-Government as regards any part of the Statute;
- (c) any resolution passed by the Commission which he regards as inconsistent with his responsibilities. In this case he will inform the two Contracting Governments, each of which must give an answer within one month of the date of formal notice. The Commission's resolution shall stand unless the two Governments agree to the contrary.

## ARTICLE 7

There shall be constituted a Mixed Electoral Commission of seven members. These shall be three Sudanese appointed by the Governor-General with the approval of his Commission, one Egyptian citizen, one citizen of the United Kingdom, one citizen of the United States of America, and one Indian citizen. The non-Sudanese members shall be nominated by their respective Governments. The Indian member shall be Chairman of the Commission. The Commission shall be appointed by the Governor-General on the instructions of the two Contracting Governments. The terms of reference of this Commission are contained in Annex II to this Agreement.

## ARTICLE 8

To provide the free and neutral atmosphere requisite for Self-Determination there shall be established a Sudanisation Committee consisting of:

- (a) an Egyptian citizen and a citizen of the United Kingdom to be nominated by their respective Governments and subsequently appointed by the Governor-General, together with three Sudanese members to be selected from a list of five names submitted to him by the Prime Minister of the Sudan. The selection and appointment of these Sudanese members shall have the prior approval of the Governor-General's Commission;
- (b) one or more members of the Sudan Public Service Commission who will act in a purely advisory capacity without the right to vote.
- (c) The function and terms of reference of this Committee are contained in Annex III to this Agreement.

## ARTICLE 9

The transitional period shall begin on the day designated as "the appointed day" in Article 2 of the Self-Government Statute. Subject to the completion of the Sudanisation as outlined in Annex III to this Agreement, the two Contracting Governments undertake to bring the transitional period to an end as soon as possible. In any case this period shall not exceed three years. It shall be brought to an end in the following manner. The Sudanese Parliament shall pass a resolution expressing their desire that arrangements for Self-Determination shall be put in motion and the Governor-General shall notify the two Contracting Governments of this resolution.

## ARTICLE 10

When the two Contracting Governments have been formally notified of this resolution, the Sudanese Government, then existing, shall draw up a draft law for the election of the Constituent Assembly which it shall submit to Parliament for approval. The Governor-General shall give his consent to the law with the agreement of his Commission. Detailed preparations

for the process of Self-Determination, including safeguards assuring the impartiality of the elections and any other arrangements designed to secure a free and neutral atmosphere, shall be subject to international supervision. The two Contracting Governments will accept the recommendations of any international body which may be set up to this end.

ARTICLE 11

Egyptian and British military forces shall withdraw from the Sudan immediately upon the Sudanese Parliament adopting a resolution expressing its desire that arrangements for Self-Determination be put in motion. The two Contracting Governments undertake to complete the withdrawal of their forces from the Sudan within a period not exceeding three months.

ARTICLE 12

The Constituent Assembly shall have two duties to discharge. The first will be to decide the future of the Sudan as one integral whole. The second will be to draw up a constitution for the Sudan compatible with the decision which shall have been taken in this respect, as well as an electoral law for a permanent Sudanese Parliament. The future of the Sudan shall be decided either:

- (a) by the Constituent Assembly choosing to link the Sudan with Egypt in any form, or
- (b) by the Constituent Assembly choosing complete independence.

ARTICLE 13

The two Contracting Governments undertake to respect the decision of the Constituent Assembly concerning the future status of the Sudan and each Government will take all the measures which may be necessary to give effect to its decision.

ARTICLE 14

The two Contracting Governments agree that the Self-Government Statute shall be amended in accordance with Annex IV to this Agreement.

ARTICLE 15

This Agreement together with its attachments shall come into force upon signature.

In witness whereof the undersigned duly authorised thereto have signed the present Agreement and have affixed thereto their Seals.

Done at Cairo this twelfth day of February, 1953.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

RALPH SKRINE STEVENSON. (L.S.)

For the Egyptian Government:

MOH<sup>BD</sup> NAGUIB, (L.S.)  
Major-General.

In two copies, one of which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and one of which shall remain deposited in the archives of the Egyptian Government.

## ANNEX I

### TERMS OF REFERENCE OF THE GOVERNOR-GENERAL'S COMMISSION TO BE SET UP UNDER ARTICLE 3 OF THE AGREEMENT BETWEEN THE UNITED KINGDOM AND THE EGYPTIAN GOVERNMENTS CONCERNING SELF-GOVERNMENT AND SELF-DETERMINATION FOR THE SUDAN

1. It shall be the function of the Governor-General's Commission to consider the matters put before them by the Governor-General as defined in the following paragraphs and to notify him of their consent or otherwise.

2. The powers of the Governor-General as set out in the following Articles of the Self-Government Statute shall be exercised by the Governor-General subject to the approval of his Commission:

Article 31; Article 40, Section (2); Article 44, Section (4); Article 45; Article 53; Article 56, Section (1); Article 57, Section (8); Articles 75 to 86 inclusive; Article 100; Article 101, Section (2); Article 102, Section (1); and Items 1, 2 and 3 of the Second Schedule, Part II.

3. In the absence of any member or members of the Commission, they will be replaced by alternate members. These alternate members will be of the same nationality and will be appointed in the same manner and as far as possible at the same time as the members they are nominated to replace.

4. All decisions of the Commission shall be taken by majority vote.

5. The Commission shall draw up its own rules of procedure.

6. The Pakistani member shall act as Chairman of the Commission. Salaries and allowances of the members of the Commission shall be assessed by agreement between the two Governments and the Sudan Administration. The Sudan Government will pay the expenses of members of the Commission travelling in the Sudan in the course of their duties and supply the necessary offices and secretarial staff.

## ANNEX II

### TERMS OF REFERENCE OF THE ELECTORAL COMMISSION SET UP UNDER ARTICLE 7 OF THE AGREEMENT BETWEEN THE UNITED KINGDOM AND EGYPTIAN GOVERNMENTS CONCERNING SELF-GOVERNMENT AND SELF-DETERMINATION FOR THE SUDAN

1. Its functions shall be to examine and, if necessary, revise the draft electoral rules and thereafter issue rules for the forthcoming elections so that they may be held as soon as possible, and as far as practicable simultaneously throughout the Sudan.

2. It shall decide on the qualifications of voters in Senate elections, and on the indirect election constituencies for the House of Representatives. It shall also decide on the number of seats, not exceeding five, in the Graduates' Constituency.

3. It shall supervise the preparation for and the conduct of the elections and ensure their impartiality.

4. It shall submit a report to the two Governments on the conduct of the elections.

5. It shall draw up its own rules of procedure and methods of work in order that it may effectively carry out the duties stated above and shall, if need be, appoint sub-commissions for electoral constituencies.

- 6. The decisions of the Commission shall be taken by majority vote.
- 7. Elections shall be direct in every case where the Commission decides that this is practicable.
- 8. Salaries and allowances of the members of the Committee shall be assessed by agreement between the two Contracting Governments and the Sudan Administration. The Sudan Government will pay the expenses of members of the Committee travelling within the Sudan in the course of their duties and supply the necessary offices and secretarial staff.

### ANNEX III

#### TERMS OF REFERENCE OF THE SUDANISATION COMMITTEE SET UP UNDER ARTICLE 8 OF THE AGREEMENT BETWEEN THE UNITED KINGDOM AND EGYPTIAN GOVERNMENTS CONCERNING SELF-GOVERNMENT AND SELF-DETERMINATION FOR THE SUDAN

1. The duties of the Sudanisation Committee shall be to complete the Sudanisation of the Administration, the Police, the Sudan Defence Force, and any other Government post that may affect the freedom of the Sudanese at the time of Self-Determination. The Committee shall review the various Government posts with a view to cancelling any unnecessary or redundant post held by Egyptian or British officials.

2. The Committee may co-opt one or more members as it deems fit to act in an advisory capacity without the right to vote.

3. The Committee shall take its decisions by majority vote. The Committee's decisions shall be submitted to the Sudanese Council of Ministers. If the Governor-General does not agree with any such decision or with the views of the Council of Ministers, he may with the approval of his Commission withhold his assent, and, in the event of disagreement between the Governor-General and the latter, the matter shall be referred to the two Governments. *The Commission's decision shall stand unless the two Governments agree to the contrary.*

4. The Sudanisation Committee shall complete its duties within a period not exceeding three years. It shall render periodical reports to the Governor-General, who shall consider them in conjunction with his Commission. These reports with any comments thereon shall be transmitted to the two Governments for such joint action as they may consider appropriate. The two Governments shall give every possible assistance for the completion of the Committee's task.

5. Salaries and allowances of the members of the Committee shall be assessed by agreement between the two Contracting Governments and the Sudan Administration. The Sudan Government will pay the expenses of members of the Committee travelling within the Sudan in the course of their duties and supply the necessary offices and secretarial staff.

### ANNEX IV

#### AMENDMENTS TO BE MADE IN THE DRAFT SELF-GOVERNMENT STATUTE IN PURSUANCE OF THE AGREEMENT BETWEEN THE UNITED KINGDOM AND EGYPTIAN GOVERNMENTS CONCERNING THE INTRODUCTION OF SELF-GOVERNMENT FOR THE SUDAN

*Article 2. Add: "The Agreement" means the Agreement dated the twelfth day of February, 1953, and made between the Egyptian Government and Her Majesty's Government in the United Kingdom.*

“The two Governments” means the Egyptian Government and Her Majesty’s Government in the United Kingdom.

“The Commission” means the Governor-General’s Commission referred to in the Agreement.

“The Electoral Commission” means the Electoral Commission referred to in the Agreement.

“The Sudanisation Committee” means the Sudanisation Committee referred to in the Agreement.

*Article 3.—(1) Delete and substitute:*

“Upon the appointed day the provisions of the Ordinance and all orders prior to this present Order made thereunder shall cease to have effect.”

(2) After “meaning” in lines 3 and 8 insert “and may by or under subsequent legislation be replaced by reference to.”

*Article 12. Delete and substitute:*

“(1) The Governor-General shall be the Supreme Constitutional Authority within the Sudan. He shall, in respect of the Constitution hereby established, have the responsibilities and powers respectively set forth in this Agreement, and this Order.

“(2) In the discharge of his responsibilities in respect of external affairs and of constitutional amendments as referred to in Article 6 (a) and (b) of the Agreement and in Articles 99 and 101 (1) respectively of the Statute, the Governor-General shall be directly responsible to the two Governments.

“(3) In the exercise of the discretionary powers conferred upon him by Articles 31, 40 (2), 44 (4), 45, 53, 56 (1), 57 (8), 75 to 86 inclusive, 100, 101 (2), 102 (1), and Items 1, 2 and 3 of the Second Schedule, Part II, of this Order, the Governor-General shall have the prior approval of the Commission.

“(4) In the exercise of all other powers in respect of which an express discretion is hereby conferred on the Governor-General, the Governor-General shall, subject to any provision to the contrary expressed in respect of any power, act at his sole discretion.

“(5) Save as aforesaid, the Governor-General shall, in exercising his powers under this Order, act upon the advice of the Prime Minister.”

*Article 43. Delete. (Subsequent Articles to be renumbered.)*

*Article 45. Delete and substitute:*

*(Clerks of Parliament)*

“(1) There shall be a Clerk of each House. The first Clerk of each House shall be appointed by the Governor-General, subject to a subsequent confirmation by a two-thirds majority of the members of that House. Thereafter the Clerk of each House shall be appointed by the Speaker and confirmed by a two-thirds majority of the members of that House.

“(2) The Clerk of each House shall hold office until he attains pension age, but may resign from office at any time by notice in writing addressed to the Governor-General; and may be removed from office by the Governor-General for conduct unfitting his office, in pursuance of a recommendation to that effect passed by a two-thirds majority of that House.”



Article 56 (1) (b). Delete and substitute as follows:—

“when a bill is introduced into either house to which the attention of the Governor-General is called by both or either of the speakers of the two houses as being a bill of major importance.”

Article 87. Delete and substitute the following:—

“Without prejudice to the powers of the Sudanisation Committee, the Governor-General, in exercising his powers under this chapter shall act at his discretion.”

Article 88.

“(1) The Governor-General shall have a special responsibility for the Public Service. It shall be his duty to ensure fair and equitable treatment to all members of the Public Service whose contractual rights and interests shall be safeguarded.

“(2) The Governor-General may refuse his assent to any Bill which would in his opinion adversely affect the performance by him of his duties under the preceding sub-section; and may from time to time make such Orders as may appear to him to be necessary in the performance of the said duties.

“(3) Every such Order shall be in writing under the Governor-General’s hand and shall recite the purpose of the Order.

“(4) An Order hereunder shall have the force of law and to the extent of any repugnancy or inconsistency between any such Order and any existing or future legislative enactment, the Order shall prevail.”

Article 90 (c). Delete.

Article 99 (1). Delete and substitute:

*(Powers of Governor-General in respect of External Affairs.)*

“(1) In order to enable him to carry out his responsibilities to the two Governments under Article 12 (2) in respect of external affairs, the Governor-General shall have and exercise such executive and legislative powers as shall be necessary or expedient for the purpose.

“(2) If and so far as legislation with regard to such affairs shall in his opinion be necessary or expedient, the same shall, subject to the approval of the two Governments, be enacted by the Governor-General by order.”

The subsequent paragraphs of Article 99 to be renumbered.

Article 100 (1)<sup>(2)</sup>. Delete and substitute:

“The Governor-General shall have a special responsibility to ensure fair and equitable treatment to all the inhabitants of the various provinces of the Sudan.”

Article 100 (4). Delete the words:

“or administrative or executive act of the Government.”

Article 102. Delete and substitute:

“(1) If at any time the Governor-General is satisfied that by reason of political deadlock, non-co-operation, boycott or the like the Government of the Sudan cannot be carried on under the Constitution hereby established, he may proclaim a Constitutional Emergency;

“(2) The Governor-General may likewise, after consultation to the fullest possible extent with the Commission, proclaim a constitutional emergency if at any time he is satisfied that imminent financial collapse or breakdown of law and order necessitates his immediate intervention in the

<sup>(2)</sup> In the exercise of his powers under this Article, the Governor-General shall have the prior approval of his Commission.

interests of the good government of the Sudan. If the Commission disagrees with this action it shall at once submit the matter to the two Governments. The two Governments may, at any time after such submission, by joint direction call upon the Governor-General to terminate the Constitutional Emergency and he shall then do so at once. If one Government only considers the continuance of the Constitutional Emergency no longer justified, it shall inform the Governor-General accordingly and he shall terminate it within thirty days from the date of the Commission's reference to the two Governments. The Governor-General shall consult the Commission to the fullest possible extent while the Constitutional Emergency continues."

Renumber Articles 102 (2) to 102 (5) as 102 (3) to 102 (6).

*First Schedule.* In all parts of this Schedule substitute "Electoral Commission" for "Governor-General."

*Part III A. 1 (2).* Delete "but after nomination he shall cease," and substitute "but on submitting the papers of his candidature he shall cease."

Insert:

"Part V

#### *General*

The Electoral Commission may by order amend the following provisions of this schedule:—

*Part I (3).* The qualifications of voters in Senate elections.

*Part II (A) and (B).*—The division of constituencies between direct election constituencies and indirect election constituencies.

*Part II, C.* Number of members for Graduates' Constituency. Provided that the number of members shall not be increased beyond five."

#### AGREED MINUTE

##### No. 1

*Agreed Minute expressing the wishes of the Government of the United Kingdom of Great Britain and Northern Ireland and the Egyptian Government concerning the appointment of an Under-Secretary in the Sudan to perform certain special functions*

The Government of the United Kingdom of Great Britain and Northern Ireland and the Egyptian Government have considered the desirability of creating in the Sudan a post for a Sudanese Under-Secretary who would act as liaison between the Governor-General and the Sudanese Council of Ministers and whose function would be to prepare for the representation of the Sudan in international technical conferences only. The two Governments recommend to the Governor-General of the Sudan and to the Sudanese Council of Ministers that such a post should be created.

#### AGREED MINUTE

##### No. 2

*Agreed Minute concerning the exercise of the Governor-General's functions during short absences from the Sudan*

The two Contracting Governments agree that during short absences from the Sudan the Governor-General shall be considered to continue in the exercise of his official functions.

EXCHANGES OF NOTES

697

No. 1

*The Egyptian Prime Minister to Her Majesty's Ambassador at Cairo*

*Presidency of the Council of Ministers,  
Cairo, February 12, 1953.*

Your Excellency,

With reference to Article 6 (a) of the Agreement between our two Governments concerning external affairs, I have the honour to state that in accordance with the agreement reached between us, the Egyptian Government will regard any commercial transactions undertaken by the Sudanese Government and considered by one of our two Governments to have a direct bearing on its foreign policy, as falling under the heading of "External Affairs."

2. I trust that your Excellency will confirm that this is a correct interpretation of our Agreement, and that the British Government will also regard such commercial transactions in a like manner.

I avail, &c.  
MOH<sup>SD</sup> NEGUIB.

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No. 1A

*Her Majesty's Ambassador at Cairo to the Egyptian Prime Minister*

*British Embassy,  
Cairo, February 12, 1953.*

Monsieur le Président du Conseil,

With reference to your letter of February 12, I have the honour to confirm that your letter is a correct interpretation of the Agreement reached between us and that Her Majesty's Government in the United Kingdom will regard any commercial transactions undertaken by the Sudan Government and considered by one of our two Governments to have a direct bearing on its foreign policy, as falling under the heading of "External Affairs."

I have, &c.  
RALPH SKRINE STEVENSON.

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No. 2

*The Egyptian Prime Minister to Her Majesty's Ambassador at Cairo*

*Presidency of the Council of Ministers,  
Cairo, February 12, 1953.*

Your Excellency,

With reference to Article 10 of the Agreement between our two Governments concerning the Sudan, I have the honour to request that your Excellency will confirm the understanding reached between us that among the matters to be considered by the International Body which is eventually to be set up under that Article shall be included the question of the Supreme Command of the Sudanese Armed Forces as from and after the completion of the withdrawal of the Egyptian and British Armed Forces from the Sudan.

I avail, &c.  
MOH<sup>SD</sup> NEGUIB.

*Her Majesty's Ambassador at Cairo to the Egyptian Prime Minister*

*British Embassy,*

*Cairo, February 12, 1953.*

Monsieur le Président du Conseil,

With reference to your letter of February 12, I have the honour to confirm the understanding reached between us that among the matters to be considered by the International Body which is eventually to be set up under Article 10 of the Agreement between our two Governments concerning the Sudan shall be included the question of the Supreme Command of the Sudanese Armed Forces as from and after the completion of the withdrawal of the Egyptian and British Armed Forces from the Sudan.

I have, &

**RALPH SKRINE STEVENSON.**

THE SELF-GOVERNMENT STATUTE

ARRANGEMENT OF ARTICLES

CHAPTER I.—PRELIMINARY

- Art. 1. Title and Commencement.
- 2. Interpretation.
- 3. Effect of appointed day.
- 4. Effect of Order on Existing Legislation.

CHAPTER II.—FUNDAMENTAL RIGHTS

- Art. 5. Right to freedom and equality.
- 6. Freedom from arrests and confiscations.
- 7. Freedom of religion, opinion, and association.
- 8. The Rule of Law.
- 9. Independence of Judiciary.
- 10. Right to Constitutional remedy.

CHAPTER III.—THE GOVERNOR-GENERAL

- Art. 11. Position of Governor-General as Military Commander-in-Chief.
- 12. Position of Governor-General as Constitutional Authority.

CHAPTER IV.—THE EXECUTIVE

- Art. 13. The Prime Minister.
- 14. Ministers.
- 15. Qualifications.
- 16. Ministerial Oath.
- 17. Remuneration.
- 18. Vacation of Office.
- 19. The Council of Ministers.
- 20. Responsibility of Ministers.
- 21. Collective Responsibility of Council.
- 22. Parliamentary Under-Secretaries.
- 23. Filling of Vacancies.
- 24. Presidency of Council.
- 25. Quorum.
- 26. Rules of conduct for Ministers and Parliamentary Under-Secretaries.
- 27. Standing Orders of Council.
- 28. Duty of Prime Minister to report to Governor-General.

CHAPTER V.—THE LEGISLATURE

- Art. 29. Creation of Parliament.
- 30. Constitution of Legislature.
- 31. Composition of Senate.
- 32. Composition of House of Representatives.
- 33. Qualifications of Voters.
- 34. Qualifications for Membership of Parliament.
- 35. Members' Oath.
- 36. Disqualifications.

- Art. 37. Vacation of Seats.
- 38. Filling of Vacancies.
- 39. Decision of questions as to Membership of Parliament.
- 40. Sessions of Parliament.
- 41. Duration of Senate.
- 42. Duration of House of Representatives.
- 43. Remuneration of Members.
- 44. Presidency of Houses.
- 45. Clerks of Parliament.
- 46. Voting.
- 47. Quorum.
- 48. Language of Parliament.
- 49. Freedom of Speech in Parliament.
- 50. Right of Debate.
- 51. Right of Question.
- 52. Right of Ministers and Parliamentary Under-Secretaries to take part in proceedings of Parliament.
- 53. Right of Governor-General to address Parliament.
- 54. Standing Orders.

CHAPTER VI.—LEGISLATION

- Art. 55. Legislative Procedure.
- 56. Joint Sittings.
- 57. Urgent legislation by Provisional Order.
- 58. Confirmation of Provisional Orders made before the Appointed Day.

CHAPTER VII.—FINANCE

- Art. 59. Definition of Year.
- 60. The Budget.
- 61. Appropriation Bills.
- 62. Advance Appropriation Bills.
- 63. Supplementary Appropriation Bills.
- 64. Allocations to Government Reserves.
- 65. Expenditure to be charged to Government Reserves.
- 66. Imposition alteration and repeal of Taxes.
- 67. Consent by Minister of Finance to Financial Legislation.
- 68. Final Accounts.

CHAPTER VIII.—THE AUDITOR-GENERAL

- Art. 69. Constitution of post of Auditor-General.
- 70. Appointment.
- 71. Tenure of Office.
- 72. Salary.
- 73. Functions.
- 74. Audit Reports.

CHAPTER IX.—THE JUDICIARY

- Art.
75. Powers of the Governor-General to be Discretionary.
  76. Preliminary.
  77. Divisions of Judiciary.
  78. Jurisdiction of Civil Division.
  79. Jurisdiction of Sharia Division.
  80. Conflict of Jurisdiction.
  81. Delegation of Powers by Chief Justice.
  82. Custody of the Constitution.
  83. Judicial Appointments.
  84. Judicial Oath.
  85. Tenure of Office.
  86. Salaries and Conditions of Service of Judiciary and Staff.

CHAPTER X.—THE PUBLIC SERVICE COMMISSION

- Art.
87. Powers of Governor-General to be discretionary.
  88. Special Responsibility of Governor-General for Public Service.
  89. Creation of Public Service Commission.
  90. General Functions of Commission.
  91. Special Functions of Commission.
  92. Transfer of Powers and Duties to Commission.
  93. Power of Governor-General to confer additional functions on Commission.
  94. Conferment of subsidiary powers on Commission by Regulations.
  95. Non-acceptance of Commission's recommendation to be reported to the Governor-General.
  96. References to Commission by Governor-General.
  97. Annual Report.

CHAPTER XI.—TRANSITIONAL PROVISIONS

- Art.
98. Powers of Governor-General during Transitional Period.
  99. Powers of Governor-General in respect of External Affairs.
  100. Special Responsibilities of Governor-General.
  101. Responsibility of Governor-General for Constitutional Amendments.
  102. Responsibility of Governor-General in event of Constitutional Break-down.
  103. Appointment of Officials to assist Governor-General.

THE FIRST SCHEDULE

PART I

(Article 31)

Elections to the Senate.

PART II

(Article 32)

Constituencies for the House of Representatives.

PART III

(Article 32)

Elections to the House of Representatives.

PART IV

(Article 33)

Qualifications of voters in Constituencies for House of Representatives.

THE SECOND SCHEDULE

(Article 76 (5))

PART I

Legal Powers ceasing to be exercisable by Legal Secretary and Governor-General.

PART II

Legal Powers remaining exercisable by Governor-General at his discretion.

THE THIRD SCHEDULE

PART I

(Article 16)

Form of Ministers' Oath.

PART II

(Article 35)

Form of Members' Oath.

PART III

(Article 84)

Form of Judicial Oath.

701

**THE SELF-GOVERNMENT STATUTE**  
*An Order to provide for full Self-Government in the Sudan*

The Governor-General of the Sudan hereby makes the following Order:—

**Chapter I.—Preliminary**

*Title and Commencement*

1. This Order may be cited as “the Self-Government Statute” and shall come into force forthwith upon signature by the Governor-General.

*Interpretation*

2. In this Order, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

“The Agreement” means the Agreement dated the 12th day of February, 1953, and made between the Egyptian Government and the Government of the United Kingdom of Great Britain and Northern Ireland.

“The appointed day” means the day upon which the Governor-General by writing under his hand certifies that the self-governing institutions intended to be hereby created, namely the Council of Ministers, the House of Representatives, and the Senate, have been duly constituted in accordance with the provisions of this Order.

“Chief Justice” includes a person appointed to act as Chief Justice.

“The Council” means the Council of Ministers constituted by this Order.

“The Electoral Commission” means the Electoral Commission referred to in the Agreement.

“Governor-General” includes the person from time to time appointed by the Governor-General to perform the functions of his office.

“The Governor-General’s Commission” means the Governor-General’s Commission referred to in the Agreement.

“Grand Kadi” includes a person appointed to act as Grand Kadi.

“House” includes, where the context so requires, the Senate.

“Member of the Judiciary” means any of the following persons, namely:—

Chief Justice, Grand Kadi, Mufti, Members of the High Courts, District Judges, Kadis, Resident Magistrates, Police Magistrates, Legal Assistants, and the Chief Registrar.

“Members of Subsidiary Courts” means members of the Judiciary inferior to members of the High Courts.

“Money bill” means any bill making any provision for expenditure to be charged to or an allocation to be made from revenue, or Government reserves, any bill imposing, altering or repealing any tax, and any bill authorising the raising of loans or the issue of bonds.

“The Ordinance” means the Executive Council and Legislative Assembly Ordinance 1948.

“Parliament” means the Senate and the House of Representatives.

“Pensions” includes gratuities and other post-service benefits.

“Southern Constituency” means, in the case of the Senate one of the Southern Provinces, and, in the case of the House of Representatives a constituency in any of such Provinces.

“Southern Provinces” means the Provinces of Equatoria, Bahr El Ghazal and Upper Nile.

“The Sudanisation Committee” means the Sudanisation Committee referred to in the Agreement.

“Tax” means any tax, whether general local or special, and includes royalties, import, export, consumption and excise duties.

“The two Governments” means the Egyptian Government and the Government of the United Kingdom of Great Britain and Northern Ireland.

#### *Effect of Appointed Day*

3.—(1) Upon the appointed day the provisions of the Ordinance and all orders prior to this present Order made thereunder shall cease to have effect.

(2) From and after the appointed day, references in any existing legislation to the Legislative Assembly shall be read and construed as meaning, and may by or under subsequent legislation be replaced by reference to Parliament or either House of Parliament as the context may require; and references to the Governor-General's Council, or to the Governor-General in Council, or to the Executive Council, or to the Governor-General acting on the advice of the Executive Council, or any expressions of the like nature, shall be read and construed as meaning, and may by or under subsequent legislation be replaced by reference to the Council of Ministers. Provided that whenever such legislation confers a power to make regulations rules or orders with or subject to the consent or approval of the Governor-General in Council or of the Executive Council the consent or approval of the Council of Ministers thereto shall not be required; but all such regulations rules or orders shall be laid upon the table of each House, and the House of Representatives may within one month by resolution cancel the same, but so that such cancellation shall not have retrospective effect.

#### *Effect of Order on Existing Legislation*

4. In the case of any repugnancy or inconsistency between the provisions of this Order and any existing legislative enactment, the provisions of this Order shall prevail, and such legislative enactment shall be read and construed as repealed, cancelled, or amended so far only as may be necessary for the purpose of removing such repugnancy or inconsistency; but without prejudice to the right of Parliament, or the Council, or other body or person having legislative authority with regard thereto, in due course specifically to repeal cancel or amend any such legislative enactment for the purpose aforesaid.

### **Chapter II.—Fundamental Rights**

#### *Right to Freedom and Equality*

5.—(1) All persons in the Sudan are free and are equal before the law.

(2) No disability shall attach to any Sudanese by reason of birth religion race or sex in regard to public or private employment or in the admission to or in the exercise of any occupation, trade, business or profession.



703

*Freedom from Arrests and Confiscations*

6. No person may be arrested detained imprisoned or deprived of the use or ownership of his property except by due process of law.

*Freedom of Religion Opinion and Association*

7.—(1) All persons shall enjoy freedom of conscience, and the right freely to profess their religion, subject only to such conditions relating to morality, public order, or health as may be imposed by law.

(2) All persons shall have the right of free expression of opinion, and the right of free association and combination, subject to the law.

*The Rule of Law*

8. All persons and associations of persons, official or otherwise, are subject to the law as administered by the Courts of Justice, saving only the established privileges of Parliament.

*Independence of Judiciary*

9. The Judiciary shall be independent and free from interference or control by any organ of the Government, executive or legislative.

*Right to Constitutional Remedy*

10. Any person may apply to the High Court for protection or enforcement of any of the rights conferred by this Chapter, and the High Court shall have power to make all such orders as may be necessary and appropriate to secure to the applicant the enjoyment of any of the said rights.

**Chapter III.—The Governor-General**

*Position of Governor-General as Military Commander-in-Chief*

11. The Supreme military command in the Sudan shall remain vested in the Governor-General, who shall be Commander-in-Chief of the Sudan Defence Force.

*Position of Governor-General as Constitutional Authority*

12.—(1) The Governor-General shall be the Supreme Constitutional Authority within the Sudan. He shall in respect of the Constitution hereby established have the responsibilities and powers respectively set forth in the Agreement, and this Order.

(2) In the discharge of his responsibilities in respect of external affairs and of constitutional amendments as referred to in Article 6 (a) and (b) of the Agreement, and in Articles 99 and 101 (1) respectively of this Order, the Governor-General shall be directly responsible to the two Governments.

(3) In the exercise of the discretionary powers conferred upon him by Articles 31, 40 (2), 44 (4), 45, 53, 56 (1), 57 (8), 75 to 86 inclusive, 100, 101 (2), 102 (1) and Items 1, 2 and 3 of the Second Schedule, Part II, of this Order, the Governor-General shall have the prior approval of the Governor-General's Commission.

(4) In the exercise of all other powers in respect of which an express discretion is hereby conferred on the Governor-General, the Governor-General shall, subject to any provision to the contrary expressed in respect of any such power, act at his sole discretion.

(5) Save as aforesaid, the Governor-General shall, in exercising his powers under this Order, act upon the advice of the Prime Minister.

## Chapter IV.—The Executive

### *The Prime Minister*

13. The Governor-General shall appoint as Prime Minister such person as may from time to time be elected for the purpose by the House of Representatives from amongst the existing members of Parliament.

### *Ministers*

14.—(1) The Prime Minister shall be appointed Minister to one or more of the several Departments of Government, or Minister without Portfolio.

(2) The Governor-General on the advice of the Prime Minister shall appoint not less than ten nor more than fifteen Ministers to other Departments, or Ministers without Portfolio, of whom not less than two Ministers in each Council shall be members of Parliament representing Southern constituencies. Provided that the Governor-General may at his discretion dispense with such last-mentioned requirement if he is at any time satisfied that the right of special representation on the Council hereby granted in respect of the Southern Provinces is being abused.

### *Qualifications*

15.—(1) No person shall be appointed Minister unless he is qualified for membership of Parliament.

(2) A person who is party to an existing contract with the Government shall not be eligible for appointment unless he shall have disclosed to the Prime Minister the existence and nature of such contract and of his interest therein, and either the Prime Minister shall have raised no objection thereto, or he shall at the request of the Prime Minister have terminated his interest therein.

### *Ministerial Oath*

16. Every Minister shall on appointment take an oath or make a declaration before the Governor-General in the form set out in Part I of the Third Schedule.

### *Remuneration*

17. The salaries to be paid to the Prime Minister and other Ministers shall be such as may from time to time be laid down by Parliament by ordinance, and in the meantime shall be those respectively payable to the Leader of the Assembly and the other Ministers immediately before the appointed day.

### *Vacation of Office*

18.—(1) The Prime Minister shall cease to hold office in the following events, namely:—

- (a) if he shall cease to be qualified for membership of Parliament; or
- (b) on acceptance by the Governor-General of his resignation, duly tendered in writing to the Governor-General; or
- (c) upon the first sitting of the first session of a new House of Representatives; or
- (d) upon the proclamation of a Constitutional Emergency under Article 102.

(2) A Minister shall cease to hold office in the following events, namely:—

- (a) if, not being a member of Parliament at the date of his appointment, he shall have failed to be elected a member within six months of such

- 705
- date. Provided that not more than three Ministers in any one Council may, at the discretion of the Prime Minister, be exempted from the obligation to vacate office under this paragraph: or
- (b) if he shall cease to be qualified for membership of Parliament; or
  - (c) if he shall place his resignation in the hands of the Prime Minister for submission to the Governor-General, and the Governor-General on the advice of the Prime Minister shall accept the same; or
  - (d) if his appointment shall be terminated by the Governor-General on the advice of the Prime Minister; or
  - (e) if the Prime Minister shall cease to hold office.

#### *The Council of Ministers*

19. The Prime Minister and other Ministers shall together constitute a Council of Ministers, which shall be responsible to Parliament for the executive and administrative functions of government.

#### *Responsibility of Ministers*

20. Ministers shall be individually responsible to the Prime Minister for the conduct of their Ministries.

#### *Collective Responsibility of Council*

21. The Ministers shall be collectively responsible for the policy decisions and acts of the Council. Provided that where in the opinion of the Prime Minister any such matter does not involve an issue of confidence in the Council as a whole, it shall lie within the discretion of the Prime Minister whether an adverse vote thereon in the House of Representatives shall entail the resignation of the Council, the resignation or termination of appointment of the Minister responsible, or the withdrawal or revocation of the matter in question.

#### *Parliamentary Under-Secretaries*

22.—(1) The Prime Minister may appoint a Parliamentary Under-Secretary to such of the Ministries as he may think fit.

(2) A Parliamentary Under-Secretary shall be responsible to his Minister.

(3) No person shall be appointed Parliamentary Under-Secretary unless he is eligible for membership of Parliament.

(4) A Parliamentary Under-Secretary who at the date of his appointment is not a member of Parliament shall cease to hold office if he fails to be elected a member within six months of such date. Provided that not more than three Parliamentary Under-Secretaries at any one time may, at the discretion of the Prime Minister, be exempted from the obligation to vacate office under this paragraph.

(5) The salaries to be paid to Parliamentary Under-Secretaries shall be such as may from time to time be laid down by Parliament by ordinance, and in the meantime shall be those payable to Under-Secretaries immediately before the appointed day.

(6) The Prime Minister may from time to time at his discretion terminate such appointments and make fresh appointments to the same or other Ministries.

(7) All appointments hereunder shall forthwith lapse upon the Prime Minister ceasing to hold office.

#### *Filling of Vacancies*

23. If a Minister other than the Prime Minister ceases to hold office, the vacancy may be filled by fresh appointment made in accordance with the

provisions of paragraph (2) of Article 14; but so that, subject only to the power of dispensation conferred upon the Governor-General by that paragraph, no appointment shall be made, or vacancy left unfilled for more than three months, the effect of which would be to leave the Council without at least two Ministers who are members of Parliament representing Southern constituencies.

#### *Presidency of Council*

24.—(1) The Prime Minister shall be President of the Council, and if present shall preside over its meetings.

(2) The Prime Minister may appoint a member of the Council to preside in his absence and, in default of such appointment, the Council shall elect a person to preside at each such meeting.

#### *Quorum*

25. Unless more than half the total number of Ministers are present at a meeting, there shall not be a quorum, and no business save that of adjournment shall be transacted thereat.

#### *Rules of Conduct for Ministers and Parliamentary Under-Secretaries*

26.—(1) The proceedings and deliberations of the Council shall be secret, and every Minister shall be under an obligation not to disclose the same outside the Council Chamber. Provided always that a Minister may be expressly authorised by the Council in the exercise of his official duties to make public any decision of the Council.

(2) A Parliamentary Under-Secretary shall likewise be under an obligation not to disclose secret or confidential information coming to his knowledge by virtue of his office or in the course of his official duties.

(3) Ministers and Parliamentary Under-Secretaries shall so conduct themselves in office that no conflict of duty or interest shall arise, or appear to arise, between their official and their private duties and interests; and in particular they shall not make use of their official positions for private advantage, or to further private interests.

(4) A Minister or Parliamentary Under-Secretary who commits a breach of his obligations hereunder shall be liable to have his appointment terminated by the Governor-General on the advice of the Prime Minister; and may, if the breach is capable of remedy, be called upon by the Prime Minister to remedy the same as a condition of retaining his appointment. Provided that any such action by the Governor-General or the Prime Minister shall be without prejudice to any other proceedings which may lie in respect of such breach against the Minister or Parliamentary Under-Secretary concerned.

#### *Standing Orders of Council*

27. The Council may make standing orders for the regulation and orderly conduct of its proceedings and the despatch of its business, including the determination of the places and times at which the Council shall meet, the conditions under which persons not members of the Council may be invited to attend and address meetings thereof, and the appointment and duties of officials and servants of the Council.

#### *Duty of Prime Minister to Report to Governor-General*

28. It shall be the duty of the Prime Minister to communicate to the Governor-General all decisions of the Council (other than decisions on purely formal or routine matters) relating to the administration of the Sudan, or to proposed legislation, and to give to the Governor-General all such information relating thereto as the Governor-General may from time to time require.

## Chapter V.—The Legislature

707

### *Creation of Parliament*

29. There shall be constituted a Parliament for the Sudan, which shall consist of two Houses, namely a Senate, and a House of Representatives.

### *Constitution of Legislature*

30. The Governor-General, the Senate and the House of Representatives shall together constitute the Legislature for the Sudan.

### *Composition of Senate*

31. The Senate shall be composed of 50 members, of whom 20 shall be nominated by the Governor-General at his discretion, and 30 shall be elected to represent constituencies in accordance with the provisions of Part I of the First Schedule.

### *Composition of House of Representatives*

32. The House of Representatives shall be composed of elected members only, who shall be elected to represent the constituencies specified in Part II of the First Schedule, in accordance with the provisions of Part III of that Schedule.

### *Qualifications of Voters*

33. The qualifications of voters in elections to the House of Representatives shall be those specified in Part IV of the First Schedule.

### *Qualifications for Membership of Parliament*

34.—(1) Sudanese who are not less than 40 years of age shall be eligible for membership of the Senate. Provided that Sudanese standing for Southern constituencies shall be eligible if not less than 30 years of age.

(2) Sudanese who are not less than 30 years of age shall be eligible for membership of the House of Representatives.

### *Members' Oath*

35. Every Member of each House shall, before taking his seat, take an oath or make a declaration in the form set out in Part II of the Third Schedule, before the Speaker, or, in the case of the Speaker, before the assembled members of that House.

### *Disqualifications*

36.—(1) The following persons shall be disqualified from membership of either House:—

(a) Members of the Judiciary.

(b) The Auditor General.

(c) Government servants.

(d) Undischarged bankrupts or persons whose property is subject to a composition or arrangement with creditors.

(e) Persons who have within the past seven years been sentenced to a term of imprisonment for a period of not less than two years.

(f) Persons who have within the past seven years been convicted of a corrupt practice or any abetment thereof at any Parliamentary or Local Government election.

(g) Persons of unsound mind.

(h) Illiterates.

(2) No person shall be a member of more than one House at the same time.

#### *Vacation of Seats*

37. The seat of a member of either House shall become vacant in any of the following events:—

- (a) Upon his death.
- (b) If without leave of the House he shall be absent from 25 consecutive sittings of the House.
- (c) If he shall become subject to any of the disqualifications specified in the preceding Article.
- (d) If any other person is convicted of any corrupt practice carried out on his behalf or with his knowledge or connivance in respect of the election at which he was elected.
- (e) If he shall become a member of the other House.
- (f) If he shall give to the Speaker of the House written notification of his resignation from membership.

#### *Filling of Vacancies*

38.—(1) Whenever the seat of an elected member becomes vacant, a fresh election shall be held to fill the vacancy in accordance with the procedure appropriate to such seat.

(2) Whenever the seat of a nominated member of the Senate becomes vacant, the vacancy shall be filled by nomination by the Governor-General.

#### *Decision of Questions as to Membership of Parliament*

39. Any question which may arise as to the right of any person to be or remain a member of either House shall be referred to the Speaker who may if he thinks fit submit the same to the Civil High Court for determination.

#### *Sessions of Parliament*

40.—(1) The Governor-General shall on the advice of the Prime Minister appoint the date and place for the commencement of each session of Parliament. Provided that Parliament shall be summoned by the Governor-General to meet twice at least in every year, and so that the commencement of a new session shall be appointed to take place within six months of the last sitting of the preceding session.

(2) A session of Parliament shall continue until determined by the Governor-General, on the advice of the Prime Minister, by prorogation of both Houses or by dissolution of the House of Representatives. Provided that the Governor-General may in the exercise of his discretion decline to prorogue Parliament or dissolve the House of Representatives on the advice of the Prime Minister if by reason of either—

- (a) the defeat in that House of a bill or motion (or an essential part thereof) initiated by the Council and declared by the Prime Minister to involve an issue of confidence in the Council, or
- (b) a vote of censure passed in that House against the Council, or the Prime Minister, or against an individual Minister in a matter involving an issue of confidence in the Council as a whole,

the Governor-General is satisfied that the Prime Minister or the Council no longer enjoys the support of the House of Representatives.

709

(3) If the Governor-General declines for the reasons aforesaid to prorogue Parliament or dissolve the House of Representatives, the Prime Minister and other Ministers shall forthwith resign, and the Governor-General shall thereupon call upon the House of Representatives to elect a new Prime Minister.

#### *Duration of Senate*

41.—(1) Every Senate shall continue for a period of three years from the beginning of its first session, and shall not be subject to dissolution.

(2) On the expiration of a Senate, the Governor-General shall direct fresh elections to be held for the purpose of filling the seats of elected members, and thereafter shall make fresh nominations for the purpose of filling the seats of nominated members.

#### *Duration of House of Representatives*

42.—(1) Unless sooner dissolved, every House of Representatives shall continue for a period of three years from the beginning of its first session.

(2) On the expiration or dissolution of a House of Representatives, the Governor-General shall direct fresh elections to be held for the purpose of constituting a new House.

(3) Notwithstanding the expiration or dissolution of the House, the Prime Minister and other Ministers shall continue in office until the first sitting of the first session of the new House.

(4) The Governor-General shall call upon the new House of Representatives at the first sitting of its first session to elect a new Prime Minister.

#### *Remuneration of Members*

43. Members of the Senate and of the House of Representatives who are not also either Ministers or Parliamentary Under-Secretaries shall be entitled to receive such salaries and allowances for their services as may from time to time be laid down by Parliament by ordinance; and in the meantime shall receive remuneration at the rate payable to members of the Legislative Assembly immediately before the appointed day.

#### *Presidency of Houses*

44.—(1) Each House shall be presided over by a Speaker.

(2) In the case of a joint sitting of both Houses, the Speaker of the House of Representatives, or in his absence the Speaker of the Senate shall preside.

(3) The Speaker of each House shall be elected by its members from amongst members or persons qualified to be members of that House.

(4) The name of the Speaker-elect shall be submitted to the Governor-General, who may at his discretion give or withhold his approval, and so that no person shall act as Speaker until the approval of the Governor-General has been signified.

(5) If the Speaker is not an existing member of the House, he shall become a member thereof *ex officio*.

(6) The Speaker may resign office by notice in writing addressed to the Clerk of the House and may be removed from office by the Governor-General on the recommendation of the House.

(7) There shall be a Deputy Speaker of each House, elected by the House from amongst its members. He shall preside at meetings of the House in the absence of the Speaker.

(8) The Deputy Speaker may resign office by notice in writing addressed to the Speaker, and may be removed from office by resolution of the House.

(9) The salaries to be paid to the Speakers and Deputy Speakers shall be such as may from time to time be laid down by Parliament by ordinance; and in the meantime the salary to be paid to the Speaker of the House of Representatives shall be that payable to the Speaker of the Legislative Assembly immediately before the appointed day. Provided that the Speaker's salary shall not be varied to his disadvantage after his appointment.

#### *Clerks of Parliament*

45.—(1) There shall be a Clerk of each House. The first Clerk of each House shall be appointed by the Governor-General, subject to subsequent confirmation by a two-thirds majority of the members of that House. Thereafter the Clerk of each House shall be appointed by the Speaker and confirmed by a two-thirds majority of the members of that House.

(2) The Clerk of each House shall hold office until he attains pension age, but may resign from office at any time by notice in writing addressed to the Governor-General; and may be removed from office by the Governor-General, for conduct unfitting his office, in pursuance of a recommendation to that effect passed by a two-thirds majority of that House.

#### *Voting*

46.—(1) All questions proposed for decision in either House shall be determined by a majority of the votes of the members of that House present and voting.

(2) In the case of a joint sitting of both Houses, the question shall be determined by such majority as is hereinafter specified of the votes of the total number of members of both Houses present at such joint sitting, whether voting or not.

(3) The Speaker shall have neither an original nor a casting vote.

(4) If upon any question before either House the votes are equally divided, the motion shall be deemed to be lost.

#### *Quorum*

47.—(1) Two-fifths of the members of each House shall constitute a quorum in that House.

(2) In the case of a joint sitting of both Houses, two-thirds of the members of each House shall together constitute a quorum.

#### *Language of Parliament*

48. Subject to the provisions of their respective Standing Orders, proceedings in each House shall be conducted in the Arabic language, but without prejudice to such use of the English language as may be convenient.

#### *Freedom of Speech in Parliament*

49. Subject to the provisions of this Order and of any Standing Orders made hereunder, there shall be freedom of speech in each House, and no member thereof shall be liable to any proceedings in any Court in respect of anything said or of any vote given by him in either House or any Committee thereof.

#### *Right of Debate*

50.—(1) Subject only as provided in Chapter XI, each House shall be entitled to hold debates and pass resolutions on any subject.

(2) Resolutions may, if the House in question thinks fit, be submitted to the Council for consideration.



711

*Right of Question*

51. A member of either House may, subject to its Standing Orders, address questions on any subject to the Council or the Minister concerned.

*Right of Ministers and Parliamentary Under-Secretaries to take part in Proceedings of Parliament*

52. Every Minister and Parliamentary Under-Secretary shall have the right to speak in and otherwise take part in the proceedings of either House, any joint sitting of both Houses, and any Parliamentary committee of which he may be appointed a member. Provided that he shall not vote in a House of which he is not a member.

*Right of Governor-General to Address Parliament*

53.—(1) The Governor-General may at his discretion at any time address either the Senate or the House of Representatives, or both Houses in a joint sitting, and may for that purpose require the attendance of members.

(2) The Governor-General shall address the Senate and the House of Representatives, either separately or in a joint sitting at his discretion, at the beginning of every session.

(3) The Governor-General may at his discretion send messages to either House concerning pending legislation or business or on any other matter, whether then pending before the House or otherwise, and such message shall thereupon be considered by the House in question with all convenient despatch.

*Standing Orders*

54.—(1) The Governor-General shall by order prescribe Standing Orders for the regulation and orderly conduct of the proceedings of Parliament and the despatch of its business, including provision for the setting up of such standing, select, or other committees of Parliament as may from time to time appear necessary or expedient; Parliament may thereafter from time to time add to, amend, or revoke such Standing Orders.

(2) The Governor-General in consultation with the Speaker of each House shall make Standing Orders for the regulation of joint sittings of the two Houses.

**Chapter VI.—Legislation**

*Legislative Procedure*

55.—(1) Subject only as provided in Chapter XI, legislation (other than subsidiary legislation) shall be initiated by bill or provisional order.

(2) A bill other than a money bill may originate in either House. A money bill may originate only in the House of Representatives.

(3) Subject as in this Article mentioned, a bill shall not become law unless it has been passed by both Houses, either without amendment, or with amendments agreed to by both Houses, and has received the Governor-General's assent. On receipt of the Governor-General's assent, the bill shall become law as an ordinance.

(4) A bill passed by the House in which it originated shall be sent to the other House, which may either pass the bill without amendment, reject the bill, or amend the bill and return it as amended to the originating House.

(5) If the Senate rejects a bill passed by the House of Representatives, or returns such bill to the House of Representatives with amendments

unacceptable to that House, or fails to pass such bill in due course, the following provisions shall apply:—

- (a) in the case of a money bill, after the expiration of three months from the date of its introduction into the Senate, the bill may be presented to the Governor-General for his assent, and on receipt of his assent shall become law notwithstanding such rejection, amendment or failure to pass the same by the Senate;
- (b) in the case of any other bill, if the bill is passed by the House of Representatives in two successive sessions, and the Senate rejects such bill, or returns such bill to the House of Representatives with amendments unacceptable to that House, or fails to pass such bill, in each of those sessions, then if one year shall have elapsed between the date of the introduction of the bill into the House of Representatives in the first session, and the date on which it was passed by the House of Representatives in the second session, the bill may be presented to the Governor-General for his assent, and on receipt of his assent shall become law notwithstanding such rejection, amendment, or failure to pass the same by the Senate.

(6) If a Government bill is passed by Parliament with amendments which are not acceptable to the Council, the Council may withdraw the bill.

#### *Joint Sitzings*

56.—(1) The Governor-General may at his discretion summon both Houses to meet in a joint sitting to consider legislation in either of the following events:—

- (a) when a bill, other than a money bill, passed by one House is either rejected by the other House, or passed by the other House with amendments unacceptable to the first House, or not passed by the other House within six months of its introduction into that House (excluding any period during which that House was prorogued);
- (b) when a bill is introduced into either House to which the attention of the Governor-General is called by both or either of the Speakers of the two Houses as being a bill of major importance.

(2) If the bill is passed by a three-quarters majority at such joint sitting, it shall be presented to the Governor-General for his assent.

#### *Urgent Legislation by Provisional Order*

57.—(1) If at any time when Parliament is not sitting the Council shall resolve that the passing of any Government legislation is a matter of urgency, the Council may make a provisional order enacting the same, and submit such order to the Governor-General for his assent.

(2) On receipt of the Governor-General's assent, the provisional order shall have the force of law.

(3) Every such order shall be submitted by the Council to Parliament as soon as practicable for confirmation.

(4) If the order be confirmed by resolution of each House, it shall thereupon become an ordinance.

(5) If either House refuses to confirm the provisional order, the order shall forthwith lapse and cease to have effect, but without prejudice to the right of the Council to introduce a bill to the same or a similar effect.

(6) Any enactment repealed or amended by a provisional order shall as from the date of the lapse of such order be revived and have effect as if such order had not been made.

(7) The lapse of any such order shall not have retrospective effect.

(8) The Governor-General may at his discretion withhold his assent under paragraph (1) if he is satisfied in any case that procedure by provisional order is an abuse of the legislative rights of Parliament.

*Confirmation of Provisional Orders made before the Appointed Day*

58. Provisional Orders which have received the Governor-General's assent but have not been confirmed by the Legislative Assembly prior to the appointed day shall be deemed to have been made under this Order, and shall be dealt with in accordance with the provisions of paragraphs (2) to (5) of the preceding Article.

**Chapter VII.—Finance**

*Definition of Year*

59. In this Chapter the expression "year" means the financial year, which shall be the 12 months ending on the 30th day of June in each calendar year.

*The Budget*

60. The annual budget, which shall consist of estimates of revenue and of expenditure (other than expenditure from reserves), shall be prepared by the Minister of Finance and shall, when passed by the Council, be laid before Parliament.

*Appropriation Bills*

61.—(1) The proposals of the Council for all such expenditure (other than expenditure hereinafter declared to be excepted expenditure) shall be submitted to the vote of Parliament by means of an Appropriation Bill which shall contain estimates under appropriate heads for the several services required.

(2) The following expenditure shall be excepted expenditure and shall not be submitted to the vote of Parliament but shall be paid out of revenue under the authority of this Order, namely:—

- (a) Debt service charges for which the Sudan Government is liable by virtue of obligations incurred by it before the appointed day.
- (b) The salaries payable to members of the Judiciary.
- (c) The salaries payable to the members of the Public Service Commission.
- (d) The salary payable to the Auditor-General.
- (e) The expenditure of the Governor-General's office.

(3) The decision of the Governor-General whether any proposed expenditure falls under any of the above heads shall be conclusive.

(4) Parliament may assent or refuse its assent to any estimate included in the Appropriation Bill or may vote a lesser amount than that included therein but it may not vote an increased amount or an alteration in its destination.

*Advance Appropriation Bills*

62.—(1) The Council may present to Parliament by means of an Advance Appropriation Bill estimates of the amounts required to provide for the maintenance of Government services from the first day of the financial year until the Appropriation Bill receives the Governor-General's assent.

(2) Advance Appropriation Bills shall be dealt with in the same way as Appropriation Bills.

and in the meantime shall perform such duties and exercise such powers as were conferred on or exercisable by the Auditor-General by or under the Audit Ordinance 1933 immediately before the appointed day.

(2) Any such ordinance may confer on the Auditor-General similar duties and powers in relation to such other accounts as may be therein specified.

(3) The Auditor-General shall not be concerned with matters of financial policy.

#### *Audit Reports*

74. The reports of the Auditor-General relating to the accounts specified in the preceding Article shall be submitted to Parliament.

### **Chapter IX.—The Judiciary**

#### *Powers of the Governor-General to be Discretionary*

75. In exercising his powers under this Chapter, the Governor-General shall act at his discretion.

#### *Preliminary*

76.—(1) The administration of justice in the Sudan shall be performed by a separate and independent department of state, which shall be called "the Judiciary."

(2) The Judiciary shall also assume responsibility for the Land Registries, the office of the Administrator-General, and such other quasi-judicial branches or departments of the Government service as the Governor-General after consultation with the Council of Ministers may from time to time direct.

(3) The Judiciary shall be directly and solely responsible to the Governor-General for the performance of its functions.

(4) The general administrative supervision and control of the Judiciary shall be vested in the Chief Justice.

(5) There shall be vested in the Chief Justice all the powers conferred upon the Governor-General or the Legal Secretary by the Civil Justice Ordinance, the Penal Code, the Code of Criminal Procedure, the Chiefs' Courts Ordinance 1931 and the Native Courts Ordinance 1932 save only such of the same as are specified in the First Part of the Second Schedule (which powers shall lapse and cease to be exercisable) and in the Second Part thereof (which powers shall remain vested in and exercisable by the Governor-General at his discretion).

(6) There shall further be vested in the Chief Justice all the powers conferred upon Governors by the Chiefs' Courts Ordinance 1931 and the Native Courts Ordinance 1932. Provided that:—

- (a) the Chief Justice may delegate all or any of the said powers to the Governor concerned;
- (b) the Chief Justice may delegate any power, other than the powers of establishing and convening Courts and of appointing Presidents and members of Courts, to the Judge of the Civil High Court of a Province;
- (c) neither the Chief Justice nor a Judge of the Civil High Court shall exercise any of the said powers except after consultation with the Governor concerned.

#### *Divisions of Judiciary*

77. The Judiciary shall consist of two divisions, the Civil division, and the Sharia division, of which the Chief Justice and the Grand Kadi shall be the respective Presidents and judicial heads.

### *Jurisdiction of Civil Division*

717

78. The Civil division shall comprise the Courts and shall exercise the jurisdiction specified in the Civil Justice Ordinance, the Penal Code, the Code of Criminal Procedure, the Chiefs' Courts Ordinance 1931 and the Native Courts Ordinance 1932, or any amendment of the same, and such other Courts and jurisdiction as may from time to time be conferred upon it by ordinance.

### *Jurisdiction of Sharia Division*

79. The Sharia division shall comprise the Courts, and shall exercise the jurisdiction, specified in the Sudan Mohammedan Law Courts Ordinance 1902.

### *Conflict of Jurisdiction*

80. In the event of any conflict of jurisdiction arising between the Civil and the Sharia divisions, the same shall be referred for decision to a Court of Jurisdiction, which shall consist of the Chief Justice as President, the Grand Kadi, two judges of the Civil High Court and one judge of the Sharia High Court.

### *Delegation of Powers by Chief Justice*

81. The Chief Justice may delegate to the Grand Kadi or to a member or members of the Civil High Court or the Chief Registrar or the Commissioner of Local Courts such of the powers vested in him as administrative head of the Judiciary as he may think fit; and may delegate to a member or members of the Civil High Court or the Chief Registrar or Commissioner of Local Courts such of the powers vested in him as judicial head of the Judiciary as he may think fit. Provided that he shall not delegate his powers under paragraph (5) of Article 76, or under Article 80.

### *Custody of the Constitution*

82.—(1) The Judiciary shall be the custodian of the Constitution, and shall have jurisdiction to hear and determine any matter involving the interpretation of the Constitution hereby established, or the enforcement of the rights and freedoms conferred by Chapter II.

(2) The jurisdiction with regard to the interpretation of the Constitution shall be exercised by the Civil High Court.

### *Judicial Appointments*

83.—(1) The Chief Justice, the Grand Kadi, and members of the High Courts shall be appointed by the Governor-General, after consultation with the appropriate President or retiring President.

(2) Members of subsidiary courts shall be appointed by the appropriate President.

(3) Members of the Judiciary holding office immediately before the appointed day shall continue in office, and shall be deemed to have been appointed under this Order.

(4) No appointment may be made which would effect an increase in the number of judges as established on the appointed day unless such increase is authorised by ordinance.

### *The Judicial Oath*

84.—(1) The Chief Justice and members of the Civil High Court shall on appointment take an oath or make a declaration before the Governor-General in the form set out in Part III of the Third Schedule. Members of

subsidiary civil courts shall take the said oath or make the said declaration before the Chief Justice.

(2) Any such person holding office immediately before the appointed day and continuing in office by virtue of paragraph (3) of the preceding Article shall take the said oath or make the said declaration before the Governor-General or the Chief Justice, as the case may be, within 12 months of the appointed day.

#### *Tenure of Office*

85.—(1) The Chief Justice, the Grand Kadi, and members of the High Courts shall hold office until they attain the age of 55 years, or such later age in any particular case as the Governor-General may approve. Provided that they may at any time resign office by notice in writing addressed to the Governor-General; and may be removed from office by the Governor-General, for conduct unfitting the office of a Judge, in pursuance of a recommendation to that effect, either made by the appropriate President and all other members of that High Court (except the member, if any, whose conduct is in question), or carried by a three-quarters majority at a joint sitting of both Houses.

(2) Members of subsidiary Courts shall hold office until they attain such age as may be prescribed by regulations made by the Chief Justice, with the consent of the Governor-General, and, in the case of members of subsidiary Sharia Courts, of the Grand Kadi, and in the meantime shall hold office in accordance with the terms of service applicable to them immediately before the appointed day. Provided that they may at any time resign office by notice in writing addressed to the appropriate President, and may be removed from office by the appropriate President with the consent of the Governor-General.

(3) No person who has held office as Chief Justice, Grand Kadi, or a member of a High Court may plead or act before any Court in the Sudan unless the Governor-General gives his consent in writing thereto.

#### *Salaries and Conditions of Service of Judiciary and Staff*

86.—(1) The salaries and pension rights of members of the Judiciary shall be such as may be laid down by Parliament by ordinance, and in the meantime shall be those in force immediately before the appointed day. Provided that neither salary nor pension rights of a member of the Judiciary shall be varied to his disadvantage after his appointment.

(2) The salaries and pension rights of the secretarial and non-judicial staff of the Judiciary, and of the members and staff of any quasi-judicial branch or department for which the Judiciary shall assume responsibility in pursuance of paragraph (2) of Article 76, shall continue to be those in force immediately before the appointed day until varied by or under the authority of an ordinance.

(3) Save in so far as the same are hereby in this Chapter expressly laid down or otherwise provided for, the conditions of service of members of the Judiciary, and of the members and staff mentioned in the preceding paragraph, including provisions as to recruitment, appointment, promotion, transfer, retirement, discipline and pension shall be such as may be laid down by regulations made by the Chief Justice, in consultation with the Grand Kadi so far as concerns the Sharia division, and with the consent of the Governor-General; and in the meantime shall be those in force immediately before the appointed day and applicable to all Government servants, as amended from time to time.

(4) The said regulations may provide for the creation of a Judicial Service Board, of which the Chief Justice shall be President, and the Grand Kadi a member *ex officio*, and for the delegation thereto of such powers and functions in respect of any of the matters mentioned in the preceding paragraph as may be thought appropriate.

719

## Chapter X.—The Public Service Commission

### *Powers of Governor-General to be Discretionary*

87. Without prejudice to the powers of the Sudanisation Committee, the Governor-General in exercising his powers under this Chapter shall act at his discretion.

### *Special Responsibility of Governor-General for Public Service*

88.—(1) The Governor-General shall have a special responsibility for the public service. It shall be his duty to ensure fair and equitable treatment to all members of the public service, whose contractual rights and interests shall be safeguarded.

(2) The Governor-General may refuse his assent to any bill which would in his opinion adversely affect the performance by him of his duties under the preceding paragraph; and may from time to time make such Orders as may appear to him to be necessary in the performance of the said duties.

(3) Every such Order shall be in writing under the Governor-General's hand, and shall recite the purpose of the Order.

(4) An Order hereunder shall have the force of law and, to the extent of any repugnancy or inconsistency between any such Order and any existing or future legislative enactment, the Order shall prevail.

### *Creation of Public Service Commission*

89.—(1) There shall be a Public Service Commission (in this Chapter referred to as "the Commission"), the chairman and other members whereof shall be appointed by the Governor-General after consultation with the Council.

(2) The Governor-General may make regulations determining the number of members of the Commission, their tenure of office, and their remuneration, and making provision for the Commission's staff.

### *General Functions of Commission*

90. The Commission shall be consulted by the Council of Ministers, or the Minister concerned, and shall make recommendations to the Council or Minister in respect of the principles to be observed in the following matters:—

- (a) the recruitment, appointment, promotion, transfer and retirement of Government servants;
- (b) the holding of examinations for entry to or promotion in the public service;
- (c) the enforcement of discipline in the public service.

Provided that the Governor-General may by order specify the matters (not being matters of major importance) on which either generally, or in any particular class of case, or in any particular circumstances, it shall not be necessary for the Commission to be consulted.

### *Special Functions of Commission*

91. The Council or the Minister concerned shall submit the following matters to the Commission, which may make recommendations to the Council or Minister thereon:—

- (a) Proposals for regulations affecting the salaries or conditions of service of Government servants.
- (b) Proposals for the creation of new posts to which super-scale salaries are to be allotted.

- (c) Proposals for the promotion of Government servants to posts to which super-scale salaries are allotted.

Provided that the Governor-General may by order specify the matters (not being matters of major importance) which either generally, or in any particular class of case, or in any particular circumstances, it shall not be necessary for the Council or Minister to submit to the Commission.

#### *Transfer of Powers and Duties to Commission*

92. The Governor-General after consultation with the Council may by order direct that all or any of the following powers and duties shall be transferred to and vested in the Commission:—

- (a) the powers and duties vested in the Central Board of Discipline under the Officials Discipline Ordinance 1927;
- (b) the powers and duties vested in all or any of the Councils constituted under the several Sudan Government Pensions and Provident Fund Ordinances.

#### *Power of Governor-General to confer Additional Functions on the Commission*

93. The Governor-General with the consent of the Council may by order confer upon the Commission such additional functions, of a like nature to those hereby specified, in respect of the public service as he may from time to time think fit.

#### *Conferment of Subsidiary Powers on Commission by Regulations*

94. In order to enable the Commission to perform its functions and exercise its powers hereunder, the Governor-General may make regulations:—

- (a) authorising the Commission to require the production before it of any Government documents or records, and to require any person to appear before the Commission to give evidence on any matter which is under consideration or investigation by the Commission;
- (b) providing for all other necessary subsidiary matters, including the prescribing of offences and the imposition of penalties in respect of any of the matters mentioned in the preceding sub-paragraph.

#### *Non-Acceptance of Commission's Recommendation to be Reported to the Governor-General*

95. In any case where the Council or a Minister does not accept a recommendation of the Commission, the Council or Minister shall forthwith report the fact to the Governor-General, giving the reasons for such non-acceptance.

#### *References to Commission by Governor-General*

96. The Governor-General may refer to the Commission for its advice:—

- (a) petitions submitted to him by Government servants, and
- (b) any other matter which in his opinion affects the public service.

#### *Annual Report*

97. The Commission shall submit to the Governor-General an annual report on its work, and the Governor-General shall cause a copy of the report to be laid before Parliament.



## Chapter XI.—Transitional Provisions

721

### *Powers of Governor-General during Transitional Period*

98.—(1) Pending the exercise by the Sudanese of self-determination, the Governor-General shall retain the powers specified in this Chapter.

(2) Within the scope of his authority, the Governor-General shall act at his discretion in exercising his powers under this Chapter.

### *Powers of the Governor-General in respect of External Affairs*

99.—(1) In order to enable him to carry out his responsibilities to the two Governments under Article 12 (2) in respect of external affairs, the Governor-General shall have and exercise such executive and legislative powers as shall be necessary or expedient for the purpose.

(2) If and so far as legislation with regard to such affairs shall in his opinion be necessary or expedient, the same shall, subject to the approval of the two Governments, be enacted by the Governor-General by Order.

(3) Every such Order shall be in writing under the Governor-General's hand, and, unless otherwise expressly provided in the Order, shall come into force on publication in the Sudan Government Gazette.

(4) An Order hereunder may revoke modify or extend any existing enactment dealing with external affairs.

(5) Notwithstanding that the Council has no executive powers and Parliament has no legislative powers with regard to external affairs, nevertheless:—

(a) the Governor-General shall keep the Council informed thereon;

(b) the Council may make representations to the Governor-General with regard thereto, and it shall be the duty of the Governor-General to take the same into consideration;

(c) either House may, if the prior consent of the Governor-General has been obtained, hold debates or pass resolutions on any such matter. Any such resolution may, if the House thinks fit, be submitted to the Governor-General for his consideration, and it shall be the duty of the Governor-General to take the same into consideration accordingly.

(6) A declaration in writing by the Governor-General that a matter falls within his responsibility under this Article shall be conclusive and shall bind the Council and Parliament.

### *Special Responsibilities of Governor-General*

100.—(1) The Governor-General shall have a special responsibility to ensure fair and equitable treatment to all the inhabitants of the various provinces of the Sudan.

(2) The Governor-General may refuse his assent to any bill which would in his opinion adversely affect the performance by him of his duties under the preceding paragraph; and may from time to time make such Orders as may appear to him to be necessary in the performance of the said duties.

(3) Every such Order shall be in writing under the Governor-General's hand, and shall recite the purpose of the Order.

(4) An Order hereunder shall have the force of law, and to the extent of any repugnancy or inconsistency between any such Order and any existing or future legislative enactment the Order shall prevail, and the Courts shall give effect thereto accordingly.

### *Responsibility of Governor-General for Constitutional Amendments*

101.—(1) The Governor-General may, if so requested by a joint resolution carried by a three-quarters majority at a joint sitting of both Houses, by

Order revoke modify or extend all or any of the provisions of this Order, and, if all its provisions shall have been revoked, may repeal the Ordinance.

(2) In order to remove unforeseen difficulties or rectify errors, anomalies or omissions, the Governor-General may at the instance of the Council or of Senate or of the House of Representatives by Order make such amendments to the provisions of this Order as may from time to time appear to him to be essential for any of those purposes.

(3) The provisions of this Order may not be amended or revoked, and the Ordinance shall not be repealed, save in accordance with the procedure laid down by this Article.

#### *Responsibility of Governor-General in event of Constitutional Breakdown*

102.—(1) If at any time the Governor-General is satisfied that by reason of political deadlock, non-co-operation, boycott, or the like the government of the Sudan cannot be carried on under the Constitution hereby established, he may proclaim a Constitutional Emergency.

(2) The Governor-General may likewise, after consultation to the fullest possible extent with the Governor-General's Commission, proclaim a Constitutional Emergency if at any time he is satisfied that imminent financial collapse or breakdown of law and order necessitates his immediate intervention in the interests of the good government of the Sudan. If the Governor-General's Commission disagrees with this action it shall at once submit the matter to the two Governments. The two Governments may, at any time after such submission, by joint direction call upon the Governor-General to terminate the Constitutional Emergency and he shall then do so at once. If one Government only considers the continuance of the Constitutional Emergency no longer justified, it shall inform the Governor-General accordingly, and he shall terminate it within thirty days from the date of the reference by the Governor-General's Commission to the two Governments. The Governor-General shall consult the Governor-General's Commission to the fullest possible extent while the Constitutional Emergency continues.

(3) Upon the proclamation of a Constitutional Emergency, Parliament shall stand suspended, and the Prime Minister and other Ministers shall vacate office; and the Governor-General shall, if practicable, appoint a Council of State, with such membership as he shall think fit. The Council of State shall be charged with the duty of seeking means of restoring effective Parliamentary government under the Constitution at the earliest opportunity, and in the meantime, of assisting the Governor-General in maintaining the good government of the Sudan.

(4) So long as a proclamation hereunder remains in force, the government of the Sudan shall be carried out by means of Orders made by the Governor-General after consultation with the Council of State, if any.

(5) Every such Order shall have the force of law, and may revoke or amend any existing enactment other than the Ordinance or this Order.

(6) A proclamation hereunder may be revoked by a subsequent proclamation, and unless sooner revoked shall cease to operate at the expiration of six months from the date thereof, but without prejudice to the power of the Governor-General to make a fresh proclamation.

#### *Appointment of Officials to Assist Governor-General*

103.—(1) To assist him in the performance of his responsibilities under this Chapter, the Governor-General may appoint such officials as he may consider necessary, and may determine their salaries and conditions of service.

(2) The said salaries shall form part of the expenditure of the Governor-General's office.

THE FIRST SCHEDULE

PART I

(Article 31)

ELECTIONS TO THE SENATE

- 1. Each Province shall form a constituency.
- 2. The thirty seats for elected members shall be divided amongst the constituencies as follows:—

| <i>Name of Constituency</i> | <i>Seats<br/>Allotted</i> |
|-----------------------------|---------------------------|
| Bahr el Ghazal Province     | 3                         |
| Blue Nile Province          | 5                         |
| Darfur Province             | 4                         |
| Equatoria Province          | 2                         |
| Kassala Province            | 3                         |
| Khartoum Province           | 2                         |
| Kordofan Province           | 5                         |
| Northern Province           | 3                         |
| Upper Nile Province         | 3                         |

3. The members for each Province Constituency shall be elected by all the Sudanese members of recognised Local Government Councils in the province, and by all the Sudanese members of the Province Council (if there be one), voting as a single electoral college.

4. There shall be no residential qualification for candidates for the Senate.

5. The Electoral Commission may at its discretion make rules for the regulation and conduct of elections to the Senate.

PART II

(Article 32)

CONSTITUENCIES FOR THE HOUSE OF REPRESENTATIVES

A.—Direct Elections

| <i>Name of Constituency</i> | <i>Description</i>  |
|-----------------------------|---|
| 1. Wad Medani               | Wad Medani Township.  |
| 2. Kamlin                   | Kamlin Gism, Gezira.  |
| 3. Mesellemiya              | Mesellemiya Gism, Gezira.   |
| 4. Halawin                  | Halawin Khut, Gezira.   |
| 5. Medina                   | Medina Gism, Gezira.  |
| 6. Hosh                     | Hosh Gism, Gezira.  |
| 7. Manaqil                  | Manaqil Administration.   |
| 8. Dueim North-East         | North-Eastern Dueim District.   |
| 9. Dueim South-East         | South-Eastern Dueim District.   |
| 10. Dueim West              | Western Dueim District.   |
| 11. Kosti North             | Northern Kosti District.  |
| 12. Central Darfur          | Central Darfur District.  |
| 13. Kassala Town            | Kassala Township and Khatmiya and Gharb el Gash.  |
| 14. Port Sudan              | Port Sudan Municipality and Suakin.   |
| 15. Gedaref North           | Shukriya, Western Khut and Shukriya part of Gedaref Town.   |
| 16. Gedaref South           | Dar Bakr, Southern Khut and Deim Bakr part of Gedaref Town.   |
| 17. Khartoum North          | Khartoum North Municipality.  |
| 18. Khartoum                | The area lying inside the Railway Ring, and Burri el Mahas, Burri el Deraisa, Burri Abu Hashish and the Mogren. |

| <i>Name of Constituency</i>     | <i>Description</i>  |
|---------------------------------|---|
| 19. Khartoum South ... ..       | The area within the municipal boundaries which lies outside the Railway Ring excluding the Burri and Mogren villages. |
| 20. Khartoum Rural North ... .. | The Northern and Central Khuts of Khartoum Rural District.  |
| 21. Khartoum Rural South ... .. | The Western and Hoi Khuts of Khartoum Rural District.   |
| 22. Omdurman North ... ..       | 1st and 3rd Quarters.   |
| 23. Omdurman South ... ..       | 4th Quarter (less Hara 1) and Mulazmin Quarter.   |
| 24. Omdurman West ... ..        | 2nd Quarter, and Hara 1 4th Quarter, and main Market.   |
| 25. El Obeid ... ..             | El Obeid Township.  |
| 26. Dar Bedeiriyā ... ..        | Central District less El Obeid Town.  |
| 27. Gawamaa West ... ..         | Eastern Gawamaa, Habbaniya, Bezaa and Umm Ruwaba Town.  |
| 28. Gawamaa West ... ..         | Northern and Western Gawamaa, Shen-<br>abla, Ghodiyat, Dubab, Nuba and<br>Rahad Town.                                 |
| 29. Halfa ... ..                | Halfa District.   |
| 30. Dongola ... ..              | Dongola District.   |
| 31. Merowe ... ..               | Merowe District.  |
| 32. Berber ... ..               | Berber District.  |
| 33. Atbara ... ..               | Atbara Municipality.  |
| 34. Ed Damer ... ..             | Old Damer District.   |
| 35. Shendi ... ..               | Old Shendi District.  |

**B.—Indirect Election.**

|                                   |  |
|-----------------------------------|--|
| 36. Western Bahr el Ghazal ... .. | Western District, Bahr El Ghazal Province.   |
| 37. Aweil East ... ..             | Poliet and Abiyam.   |
| 38. Aweil West ... ..             | Palioping and Malwal.  |
| 39. Jur River North ... ..        | Gogrial Northern part of Jur River District.   |
| 40. Jur River South ... ..        | Rest of Jur River District.  |
| 41. Rumbek ... ..                 | Western part of Lakes District.  |
| 42. Yirol ... ..                  | Eastern part of Lakes District.  |
| 43. Rufaa ... ..                  | Shukriya Administration and Rufaa Town.  |
| 44. Wad el Haddad ... ..          | Wad el Haddad Khut.  |
| 45. Sennar and Kawahla ... ..     | Sennar Khut and Cantonment Kawahla Khut and Maiurno.   |
| 46. Fung Nazirates ... ..         | Rufaa el Hoi, Rufaa el Sherg and Kenana.   |
| 47. Northern Fung ... ..          | Northern Fung Rural District Council.  |
| 48. Southern Fung ... ..          | Southern Fung District.  |
| 49. Kosti South ... ..            | Southern Kosti District.   |
| 50. Kutum East ... ..             | Dar Zaghawa, Meidob Berti and Zayadiya of Northern Darfur District.  |
| 51. Kutum Centre ... ..           | The Magdumate Dar Fia and Dar Utash of Northern Darfur District.   |
| 52. Nyala Magdumate ... ..        | The Magdumate including Nyala Town of Southern Darfur.   |
| 53. Nyala Baggara West ... ..     | Habbaniya, Awlad Arab, Masalat, Beni Helba, Gimr, Ta'asha, Fellata.  |
| 54. Nyala Baggara East ... ..     | Rizeigat, Maalia.  |
| 55. Eastern Darfur ... ..         | Eastern Darfur District.   |
| 56. Zalingei North-West ... ..    | Dar Wanna, Dar Turdi, Dar Nuringa, Dar Marri, Dar Tutra, Dar Lewing, Dar Kernei, Dar Teballa, Dar Telni, Aribo and Zalingei Town.    |
| 57. Zalingei South-East ... ..    | Dar Dima, Dar Surro and Noma, Dar Kulli, Northern and Southern Zami Boya, Northern and Southern Zami Toya, Dar Um Haraz, Dar Kobara. |
| 58. Dar Masalit South ... ..      | Masalit Furushiya and Sinyar.  |

| <i>Name of Constituency</i>         | <i>Description</i>   |
|-------------------------------------|--|
| 59. Dar Masalit North ... ..        | Geneina Town, Dar Erenga, Dar Jebel, Dar Gimr, Zaghawa Kubja and all Arab Omodias.       |
| 60. Eastern Equatoria ... ..        | Eastern District Equatoria.  |
| 61. Torit ... ..                    | Torit District.  |
| 62. Yei ... ..                      | Yei District.  |
| 63. Juba ... ..                     | Juba District.   |
| 64. Moru ... ..                     | Moru District.   |
| 65. Zande East ... ..               | Yambio and Ibba sub-District.  |
| 66. Zande West ... ..               | Ezo Sub-District.  |
| 67. Tokar ... ..                    | Tokar District.  |
| 68. Kassala Rural ... ..            | Beni Amir, Rashaida and Halanga.   |
| 69. Hadendowa ... ..                | Hadendowa Nazirate.  |
| 70. Amara and Bisharin ... ..       | Amarar and Bisharin Nazirates.   |
| 71. Khartoum Rural East ... ..      | Abu Deleig sub-District and the Butugab—Batahin, Umm Dubban, Eilafun and Esseilat areas. |
| 72. Dar Hamid East ... ..           | The Eastern Division of Dar Hamid.   |
| 73. Dar Hamid West ... ..           | The Western Division of Dar Hamid.   |
| 74. Dar Kababish ... ..             | Dar Kababish and Hawawir.  |
| 75. Dar Hamar North and East ... .. | Umm Bel Gism and Abu Zabad Gism.   |
| 76. Dar Hamar South and West ... .. | El Odaiya Gism Nomads and Nahud Town.  |
| 77. Mesiriya Zurug ... ..           | Mesiriya Zurug and Nuba.   |
| 78. Mesiriya Humur ... ..           | Mesiriya Humur and Dinka.  |
| 79. Northern Jebels East ... ..     | Ajang and Koalib.  |
| 80. Northern Jebels West ... ..     | Nyamang and Hawazma.   |
| 81. Kadugli ... ..                  | Kadugli, Miri and Rawawga.   |
| 82. Central Nuba ... ..             | Heiban and Raika.  |
| 83. Tegale North ... ..             | Abbasiya Rashad and Hawazma Gisms.   |
| 84. Tegale South ... ..             | Awlad Himeid, Kawahla, Talodi and Eliri Gisms.   |
| 85. Western Nuer Ghazal ... ..      | Western Nuer District north of Bahr el Ghazal.   |
| 86. Western Nuer Jebel ... ..       | Western Nuer District lying between Bahr el Ghazal and Bahr el Jebel.                    |
| 87. Central Nuer East ... ..        | Lau Nuer and Central Nuer District, Dinka.   |
| 88. Zeraf Valley ... ..             | Zeraf Island and Gaweir Nuer.  |
| 89. Pibor and Eastern Nuer ... ..   | Pibor and Eastern Nuer District.   |
| 90. Bor ... ..                      | Bor District.  |
| 91. Shilluk ... ..                  | Shilluk Administration.  |
| 92. Renk and Malakal ... ..         | Renk and Malakal Districts.  |

C.—Postal Election

| <i>Name of Constituency</i>        | <i>Number of Members</i> |
|------------------------------------|--------------------------|
| The Graduates' Constituency ... .. | 3                        |

PART III  
(Article 32)

ELECTIONS TO THE HOUSE OF REPRESENTATIVES

In this Part, "qualified elector" means a person qualified to vote by virtue of the provisions contained in the following Part.

A.—Direct Elections

1.—(1) In those constituencies listed in Part II A of this Schedule, elections shall be direct, that is to say that qualified electors shall vote for the election of one of the nominated candidates for membership of the House of Representatives in a single stage by secret ballot.

(2) A President of a Court constituted under the Native Courts Ordinance 1932 shall be eligible to stand for and to represent such constituency notwithstanding that the constituency or any part thereof lies within the area for which the Court has

jurisdiction; but on submitting the papers of his candidature he shall cease to exercise his functions as President or as a member of such Court, and shall not resume the same until he has either failed to secure election, or, if elected, has ceased to be a member of the House of Representatives.

#### B.—*Indirect Elections*

2.—(1) In those constituencies listed in Part II B of this Schedule, elections shall be indirect, that is to say in two stages, namely a primary election and a secondary election.

(2) For each such constituency there shall be an electoral college which shall be composed of the following members:—

- (a) One to ten delegates from each Omodia or similar local administrative unit in accordance with its population, to be elected by vote or by acclamation by qualified electors of such Omodia or unit.
- (b) One or more delegates from any town within the constituency which has been authorised by the Governor to hold secret ballots in Local Government Elections, in accordance with the proportion which its population bears to that of the rest of the constituency, to be elected by secret ballot by the qualified electors residing in that town.

(3) The first stage shall consist of the election of delegates to the electoral college as provided by the preceding paragraph.

(4) The second stage shall consist of the election by the electoral college of the member who is to represent the constituency in the House of Representatives by secret ballot, which shall take place on the day or days appointed for the election in that constituency.

(5) A person shall not be eligible to represent such constituency unless he has during the last ten years been resident for not less than two years in the province within which that constituency lies.

(6) The mandate of the electoral colleges shall continue till the expiration or dissolution of the House of Representatives, that is to say that a by-election shall necessitate a fresh election at the second stage only, by the same electoral college as at the previous election. If a by-election is to be held, any casual vacancy in the electoral college shall be filled by election in accordance with the appropriate sub-paragraph of paragraph (2) above.

(7) The Electoral Commission may at its discretion, in such constituencies as it thinks fit, by order declare that the first stage of the election shall not take place and that the electoral college shall consist of the Local Government body, or in the absence of a single Local Government body covering the constituency, of such Local Government representatives as the Governor may at his discretion appoint for the purpose.

#### C.—*Elections for the Graduates' Constituency*

3. The members for the Graduates' Constituency shall be elected by qualified electors, voting through the post and using the method of the single transferable vote.

#### D.—*General*

The Electoral Commission may at its discretion make rules for the regulation and conduct of elections to the House of Representatives, and may by such rules make provision for:—

- (a) the appointment of Returning Officers;
- (b) the appointment of Electoral Committees;
- (c) the preparation and maintenance of electoral rolls;
- (d) the nomination of candidates;
- (e) the conduct of direct elections, indirect elections, both primary and secondary, and postal elections;
- (f) the conduct of by-elections;
- (g) any other electoral matter requiring to be regulated by rules.

### PART IV

(Article 33)

#### QUALIFICATIONS OF VOTERS IN CONSTITUENCIES FOR HOUSE OF REPRESENTATIVES

1.—(1) A person shall be qualified to vote in the Constituencies specified in Part II A and B if he—

- (a) is a Sudanese, and
- (b) is a male, and

(c) is not less than 21 years of age, and

(d) is of sound mind, and

(e) has been ordinarily resident in the constituency for a period of not less than six months before the closing of the electoral roll.

(2) No person shall be qualified to vote in more than one of the said constituencies or in more than one electoral division of any such constituency.

2.—(1) A person shall be qualified to vote in the Graduates' Constituency if he—

(a) is a Sudanese, and

(b) is not less than 21 years of age, and

(c) is of sound mind, and

(d) is not a student at any recognised school, university or university college whether in the Sudan or elsewhere, save in the capacity of post-graduate student, and

(e) holds one of the following educational qualifications, namely:—

(i) has completed the full course at a recognised secondary school, or

(ii) holds a degree or diploma from a recognised university or university college, or

(iii) has passed the Cambridge School Certificate examination, or an equivalent or higher examination, or

(iv) holds an Alimiya Certificate from the Maahad el Illmi, or

(v) has completed the course in the Teachers' and Kadis' Section of the old Gordon Memorial College.

(2) A person may vote in the Graduates' Constituency in addition to voting in a constituency specified in the preceding paragraph.

PART V

GENERAL

The Electoral Commission may by order amend the following provisions of this Schedule:—

Part I, 3. The qualifications of voters in Senate elections.

Part II (A) and (B). The division of constituencies between Direct Election Constituencies and Indirect Election Constituencies.

Part II (C). The number of members for the Graduates' Constituency. Provided that the number of members shall not be increased beyond five.

THE SECOND SCHEDULE

(Article 76 (5))

PART I

LEGAL POWERS CEASING TO BE EXERCISABLE BY LEGAL SECRETARY AND GOVERNOR-GENERAL

|                               |     |        |   |
|-------------------------------|-----|--------|---|
| 1. Civil Justice Ordinance    | ... | S. 17  | Power of Legal Secretary to act as Judge of High Court or preside in Court of Appeal.               |
| 2. Civil Justice Ordinance    | ... | S. 22  | Power of Governor-General to appoint Province and District Judges.                                  |
| 3. Civil Justice Ordinance    | ... | S. 200 | Power of Governor-General to exempt persons from arrest and imprisonment.                           |
| 4. Civil Justice Ordinance    | ... | S. 210 | Power of Governor-General to consent to rules of Rules Committee.                                   |
| 5. Civil Justice Ordinance    | ... | S. 216 | (2) Power of Governor-General to exempt persons from personal attendance in Court.                  |
| 6. Code of Criminal Procedure |     | S. 2   | Power of Governor-General to restrict extent of application of Code.                                |
| 7. Code of Criminal Procedure |     | S. 131 | Power of Governor-General to sanction proceedings under Chapters IX and X of the Penal Code.        |
| 8. Code of Criminal Procedure |     | S. 251 | Power of Governor-General to confirm judgments in cases in which sentence of death has been passed. |
| 9. Code of Criminal Procedure |     | 261 A  | Power of Governor-General to remit cases to Court of Criminal Appeal.                               |

## PART II

### LEGAL POWERS REMAINING EXERCISABLE BY GOVERNOR-GENERAL AT HIS DISCRETION

|                               |        |  |
|-------------------------------|--------|--|
| 1. Civil Justice Ordinance    | S. 13  | Power to appoint an acting Chief Justice and acting Judges of High Court.          |
| 2. Code of Criminal Procedure | S. 7   | General powers of delegation.  |
| 3. Code of Criminal Procedure | S. 98  | Power of Governor-General to sanction proceedings under Chapter VIII of that Code. |
| 4. Code of Criminal Procedure | S. 131 | Power of Governor-General to sanction proceedings under S. 4 of the Penal Code.    |
| 5. Code of Criminal Procedure | S. 275 | Power to pardon.   |
| 6. Code of Criminal Procedure | S. 277 | Power to commute death sentences and sentences of imprisonment.                    |

## THE THIRD SCHEDULE

### PART I

(Article 16)

#### *Form of Ministers' Oath*

I, ..... (name), do hereby swear by Almighty God (or, do solemnly affirm) that I will to the best of my ability uphold the Constitution of the Sudan as by law established, that I will faithfully and conscientiously discharge my duties as Minister without fear or favour, affection or ill-will, and that I will not disclose to any person any matter becoming known to me as Minister save in the due discharge of my said duties.

### PART II

(Article 35)

#### *Form of Members' Oath*

I, ..... (name), having been elected (or nominated) a member of Parliament, do hereby swear by Almighty God (or, do hereby solemnly affirm) that I will bear true faith and allegiance to the Constitution of the Sudan as by law established, and that I will faithfully discharge the duty upon which I am about to enter.

### PART III

(Article 84)

#### *Form of Judicial Oath*

I, ..... (name), do hereby swear by Almighty God (or, do hereby solemnly affirm) that so long as I hold the office of ..... (name of office) I will to the best of my ability uphold the Constitution of the Sudan as by law established, and will do right to all manner of people after the laws and usages of this country without fear or favour, affection or ill-will—So help me God.

Khartoum this twenty-first day of March, 1953.

(Signed)

R. G. HOWE,  
*Governor-General.*