

In the Name of Allah, the Gracious, the Merciful

The Judiciary Act, 1986

Chapter I

Preliminary Provisions

Title

1. This Act may be cited as the, "Judiciary Act, 1986".

Repeal and saving

- 2.(1) There shall be repealed the :-
- (a) High Judiciary Council Act, 1983;
 - (b) Judiciary Act, 1405 A.H. .
- (2) Notwithstanding the repeal, provided for in sub-section (1), all the regulations, orders and appointments, made under the two repealed Acts, shall remain in force, as if they have been made, in accordance with the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires, :-
- "Council", means the Judiciary High Council;
 - "Court of Appeal", means the Court of Appeal, established, in every state, in accordance with the provisions of section 18(1);
 - "District Court", means any of the courts, provided for in section 10(d);
 - "General Court", means the Civil, Criminal or Sharia General Court;
 - "Judge", means the Judge appointed under the provisions of this Act;
 - "Judicial Organ", means the Judicial Organ, established under the provisions of section 12;

“Pension salary”, includes the basic salary, plus the consolidated allowance, and cost of living allowance;

“President of the Judicial Organ”, means the Supreme Court Judge, or the Court of Appeal Judge, responsible for the Judicial Organ;

“State”, means any of the Sudan states, referred to in the IV (Establishment of Federal Government) Constitutional Decree, 1991;

“Supreme Court”, means the Federal Supreme Court.

Chapter II

The Judiciary High Council

Establishment, constitution, chairmanship and General

Secretariate of the High Judiciary Council

- 4.(1) There shall be established a council for the Judiciary, to be known as the, “High Judiciary Council”, and shall be constituted as follows :-
- (a) the Chief Justice, Chairman;
 - (b) deputies of the Chief Justice;
 - (c) two of the Supreme Court Judges, to be selected by the Chief Justice;
 - (d) Minister of Finance;
 - (e) Minister of Justice ;
 - (f) three persons, from those possessed of experience and competence, to be appointed by the President of the Republic.
- } Members
- (2) In cases in which the Chief Justice is absent, from the meetings of the Council, the most senior of the Chief Justice deputies shall assume chairmanship

- (3) The Council shall have a general secretariate, under the presidency of a secretary-general, to be appointed by the Council, upon the recommendation of the Chief Justice, at the first meeting thereof, from among Supreme Court Judges, and the regulations shall specify the formation and functions of the general secretariate.

Meetings and decisions of the Council

- 5.(1) The Council shall hold a periodical meeting every four months; and may hold an emergent meeting, upon call of the Chairman thereof, or one-third of its members, where necessity requires the same.
- (2) The quorum, for meetings of the Council, shall be constituted by the attendance of more than half the members thereof.
- (3) All deliberations of the Council shall be secret.
- (4) The Council shall pass its decisions and recommendations by the majority of the opinions of the members present; and upon equality of votes, the Chairman shall have a casting vote.

Functions of the Council

- 6.(1) The Council shall be competent to recommend, to the President of the Republic, with respect to the following :-
- (a) appointment of Judges;
 - (b) promotion of Judges;
 - (c) discipline of deputies of the Chief Justice, and Supreme Court Judges;
 - (d) dismissal of Judges of Courts of Appeal, General Courts and District Courts;
 - (e) approval of the budget of the Judiciary.
- (2) The Council shall approve the general policy of the Judiciary, in accordance with the national strategy, and recommendations of Justice Conferences.

Powers of the Council

7. The Council shall have the following powers , to :-
- (a) confirm the decisions of the boards of discipline of Judges of Courts of Appeal, General Courts and District Courts;
 - (b) call whoever they may deem fit, to seek his help, on the matters submitted before them, and require such data and papers, as they may deem necessary;
 - (c) authorize the Chief Justice to exercise any of the powers thereof, provided for in section 6(1) , hereof, save paragraphs (c) and (e);
 - (d) make regulations, to organize the business and meetings thereof.

Chapter III

The Judiciary

Judicial mandate

- 8.(1) Judicial mandate, in the Republic of the Sudan, shall be to an independent authority, to be known as the, "Judiciary".
- (2) The Judiciary shall directly be responsible, to the President of the Republic, for the performance of the business thereof.
- (3) The Judiciary shall have the independent financial budget thereof, with which a decision, from the President of the Republic, upon the recommendation of the Council, shall be issued.

Formation of the Judiciary

- 9.(1) The Judiciary shall consist of :-
 - (a) the Federal Supreme Court;
 - (b) the Judicial Organs;
 - (c) Land Registries.

- (2) The Supreme Court and Judicial Organs shall include circuits, civil and criminal courts and personal status; and the judicial business thereat shall be conducted, as the Chief Justice, and Presidents of Judicial Organs, may prescribe.

Arrangement of courts

10.(1) Arrangement of courts shall be as follows :-

- (a) the Supreme Court;
- (b) Courts of Appeal;
- (c) General Courts;
- (d) District Courts, which are of three grades :-
 - (i) the court of the District Judge of the First Grade;
 - (ii) the court of the District Judge of the Second Grade;
 - (iii) the court of the District Judge of the Third Grade;
- (e) any other courts, as the Chief Justice may establish, by a warrant of establishment, showing the manner of formation and specifying the seat, functions and procedure thereof.

Establishment of Judicial Organs

- 11.(1) There shall be established one, or more Judicial Organs, in every state.
- (2) The President of the Judicial Organ shall be the President of the Court of Appeal.
 - (3) Every Judicial Organ shall have a separate budget, within the budget of the Judiciary.
 - (4) Every Judicial Organ shall have an administrative organ, the manner of formation, and functions of which shall be specified by the regulations.

Formation of Judicial Organs

- 12.(1) Every Judicial Organ shall consist of the following courts :-
- (a) the Court of Appeal;
 - (b) General Courts;

- (c) District Courts;
- (d) any other courts, as may be established, in accordance with the provisions of section 10(e); provided that the same shall be by a warrant of establishment, to be made by the Chief Justice, upon the recommendation of the President of the Judicial Organ.

Mandate and competence of courts

13. Courts shall assume determining all disputes and offences, and every one of them shall be competent to determine such matters, as may be submitted thereto, in pursuance of the law.

Rules of jurisdiction and procedure

14. Both the Criminal and Civil Procedure Acts shall show the rules of jurisdiction of courts, and such procedure, as may be of mandatory application, saving such special provision, as may be set out, with respect thereto, in any other law.

Chapter IV

Organization of Courts

Seat of the Supreme Court

15. The seat of the Supreme Court shall be the city of Khartoum, and it may establish circuits thereof, at any other place, as the Chief Justice may prescribe.

Formation of the Supreme Court

16. The Supreme Court shall consist of :-
- (a) the Chief Justice, President;
 - (b) deputies of the Chief Justice;
 - (c) an adequate number of Supreme Court Judges.

Circuits and jurisdiction of the Supreme Court

- 17.(1) The following circuits shall be established at the Supreme Court :-
- (a) a circuit, for considering contest by cassation, in civil matters;
 - (b) a circuit, for considering contest by cassation, in criminal matters;
 - (c) a circuit, for considering administrative contests;
 - (d) a circuit, for considering contest, by cassation, in matters of personal status and trusts, for muslims;
 - (e) a circuit, for considering contest, by cassation, in matters of personal status and trusts, for non-muslims.
- (2) The chief Justice shall constitute circuits, and organize the progress of work thereat, of three Judges, with the exception of the criminal circuit , which considers confirmation of death sentences, amputation sentences and sentences of cross amputation, which shall be constituted of five Judges .

Establishment, seats , formation and jurisdiction of Courts of Appeal

- 18.(1) Courts of Appeal shall be established, by warrants of establishment, to be made by the Chief Justice.
- (2) Seats of Courts of Appeal shall be in the capitals of states, shown in the warrant of establishment; and the court may convene at any place, inside the local limits of jurisdiction thereof, by a decision, issued by the President of the same.
 - (3) The law shall specify the jurisdiction of Courts of Appeal, and the circuits thereof may be as numerous, as need may require.
 - (4) The Court of Appeal shall be formed, with the presidency of a Judge, whose grade shall not be less than a Court of Appeal Judge, and an adequate number of Judges of the Court of Appeal.

- (5) The President of the Court of Appeal shall constitute the circuits, and organize the progress of work thereat; provided that he shall constitute every circuit of three Judges, and it shall be presided by the most senior of the members thereof.
- (6) Decisions of the Court of Appeal shall be passed by the majority of opinions.
- (7) The President of the Court of Appeal shall have the power of administrative supervision over the courts, which lie, within the local limits of the jurisdiction thereof.

**Establishment, seats, formation and
jurisdiction of General Courts**

- 19.(1) There shall be established , in every Commissariate, one or more General Courts, by warrants of establishment, to be made by the Chief Justice, upon the recommendation of the competent President of the Judicial Organ.
- (2) The seat of the General Court shall be in the capital of the Commissariate, or the town shown in the warrant of establishment concerned; and the court may convene, at any other place within the local limits of the jurisdiction thereof; provided that the competent Judge of the General Court shall specify such place.
- (3) Jurisdiction of the General Court shall be exercised by a single Judge, save in such cases, as may require a special constitution.
- (4) The General Court shall have first instance and appellate jurisdiction, as the law may specify.
- (5) The General Court Judge shall have the power of administrative supervision, over such District Courts, as may lie within the local limits of the jurisdiction of his court.

**Establishment, seats, formation and
jurisdiction of District courts**

- 20.(1) There shall be established, within the local limits of every General Court, District Courts, by warrants of establishment , to be made by the Chief Justice, upon a recommendation therefor, by the President of the Judicial Organ.
- (2) The warrant of establishment shall specify the seat of the District Court concerned; and it may convene at any other place, within the local limits of the jurisdiction thereof; provided that the competent Judge shall specify such place.
- (3) The jurisdiction of the District Court shall be exercised by a single Judge, save in such cases, as may require a special constitution; and the management thereof shall be assumed by the most senior of District Judges.
- (4) The District Judge shall have a first instance and appellate jurisdiction, as the law may specify.
- (5) The District Judge shall have the power of administrative supervision, over the People's Courts lying within the local limits of jurisdiction of his court, as the warrant of establishment may specify.

Judicial powers granted

- (1) The Chief Justice may grant the powers of a Supreme Court Judge, to any of the Court of Appeal Judges , for a specific period.
- (2) The Chief Justice, of his own accord, or upon the recommendation of the competent President of the Judicial Organ, may grant, for a specific period, the powers of a senior Judge, to any of the Judges.
- (3) Each of the Chief Justice and his deputies, the Supreme Court Judges, the Court of Appeal Judges and Judges of the General Courts shall have the power of any junior Judge.

Chapter V

Appointment, Number, Salaries, Promotion

Transfers and Seniority of Judges

Appointment of judges

22. The President of the Republic shall appoint the Chief Justice, his deputies, the Supreme Court Judges, Courts of Appeal Judges, General Courts Judges and District Judges, and relieve them of office.

General conditions for appointment

in judicial posts

23. There shall be required, of whoever assumes judicial mandate, that :-
- (a) he shall be a Sudanese of full capacity;
 - (b) his age shall not be less than twenty three years, where appointment is in the post of Judicial Assistant, twenty five years, where appointment, is in General Courts, thirty five years, where appointment is in the Courts of Appeal and forty years, where appointment is in the Supreme Court;
 - (c) he shall be in possession of a degree in law, from a university recognized in the Sudan, without prejudice to any condition, as may be provided for in any other law, with respect to the assumption of judicial mandate, and the Judiciary may subject the persons applying to work thereat, to testing;
 - (d) he shall not have suffered a judgement to be passed against him , by a competent court, or a board of discipline, on a matter inconsistent with honour, or honesty, even though a decision pardoning him has been passed;
 - (e) he shall be of commendable conduct, and good reputation.

**Conditions for appointment of
deputies of the Chief Justice**

- 24.(1) Subject to the provisions of section 23, the Chief Justice shall have three deputies, to be appointed by the President of the Republic, from among the Supreme Court Judges.
- (2) The recommendation for appointment shall specify the seniority order of the deputies of the Chief Justice.

**Conditions for appointment of
Supreme Court Judges**

25. Subject to the provisions of section 23, appointment of Supreme Court Judges shall be as follows :-
- (a) by selection, from among Court of Appeal Judges;
 - (b) by appointment, from outside members of the Judiciary, as follows :-
 - (i) from former Supreme Court, or Court of Appeal Judges;
 - (ii) from legal counsels, at the Ministry of Justice; on condition that they shall have actually spent a period, not less than eighteen years, in the legal profession;
 - (iii) from advocates; on condition that they shall have actually practised the legal profession, for a period, not less than eighteen years;
 - (iv) from members of the law teaching staff, at one of the universities, recognized in the Sudan; on condition that they shall have actually practised teaching law, or the legal profession, for a period, not less than eighteen years.

**Conditions for appointment of
Courts of Appeal Judges**

26. Subject to the provisions of section 23, appointment of Courts of Appeal Judges shall be as follows :-

- (a) by promotion, from General Court Judges;
- (b) by appointment, from outside members of the Judiciary, as follows :-

- (i) from former Court of Appeal, or General Court Judges;
- (ii) from legal counsels, at the Ministry of Justice; on condition that they shall have actually spent a period , not less than fifteen years, in the legal profession;
- (iii) from advocates; on condition that they shall have actually practised the legal profession, for a period, not less than fifteen years;
- (iv) from members of the law teaching staff, at one of the universities, recognized in the Sudan; on condition that they shall have actually practised teaching law, or the legal profession, for a period, not less than fifteen years.

**Conditions for appointment of
General Courts Judges**

27. Subject to the provisions of section 23, appointment of General Courts Judges shall be as follows :-

- (a) by promotion, from District Judges of the First Grade;
- (b) by appointment, from outside members of the Judiciary, as follows :-

- (i) former General Courts Judges and District Judges of the First Grade;

- (ii) legal counsels, at the Ministry of Justice; on condition that they shall have actually spent a period, not less than twelve years, in the legal profession;
- (iii) advocates; on condition that they shall have actually practised the legal profession, for a period, not less than twelve years;
- (iv) members of the law teaching staff , at one of the universities, recognized in the Sudan; on condition that they shall have actually practised teaching law, or the legal profession, for a period, not less than twelve years.

Conditions for appointment of District Judges

28. Subject to the provisions of section 23 , the appointment of District Courts Judges shall be as follows :-

- (a) by promotion, from District Judges of the Second Grade, to the First Grade, and from District Judges of the Third Grade, to the Second Grade, and from Judicial Assistants, to Judges of the Third Grade;
- (b) by appointment, from outside the Judiciary, as follows :-
 - (i) from former District Courts Judges of the First, Second and Third Grades; as the case may be;
 - (ii) from legal counsels, at the Ministry of Justice; on condition that they shall have actually spent a period, not less than six years, where appointment is in the post of a District Judge of the First Grade, or four years, where appointment is in the post of a District Judge of the Second Grade, or he has been an assistant legal counsel, where appointment is in the post of a District Judge of the Third Grade;

- (iii) from advocates; on condition that they shall have actually practised the legal profession, for a period, not less than both the periods, mentioned in subparagraph (ii) , as the case may be;
- (iv) from members of the law teaching staff, at one of the universities, recognized in the Sudan; on condition that they shall have actually practised teaching law, or the legal profession, for a period, not less than six years, where appointment is in the post of a District Judge of the First Grade, or four years, where appointment is in the post of a District Judge of the Second Grade.

**Conditions for appointment of
Judicial Assistants**

- 29.(1) Subject to the provisions of section 23, appointment of Judicial Assistants shall be by a decision of the Chief Justice, by way of selection.
- (2) A Judicial Assistant shall be under probation, for the period of one year, and the Chief Justice may :-
- (a) shorten the probation period, for the purpose of installing in service, when such Assistant is in possession of the following :-
 - (i) a high academic qualification; or
 - (ii) a previous commendable service; or
 - (iii) good performance;
 - (b) increase the probation period, where the performance of such Assistant is not satisfactory;
 - (c) decide his removal, during the probation period.

Power by the Chief Justice of special appointment

- 30.(1) Notwithstanding the provisions of section 23, the Chief Justice may appoint whoever he may trust of the citizens, possessed of experience and competence, a special Judge of the General Court of the First, or Second Grade, for the practice of judicial work, at any District Court , as may be specified therefor.
- (2) The appointment, under the provisions of sub-section (1), shall specify the terms of service of the Judge concerned .
- (3) Subject to the conditions of appointment of Judges, provided for in this Act, the Chief Justice may appoint, by a special contract, Judges from former Judges, or legal counsels, from the Ministry of Justice, advocates , or members of the teaching law staff, at one of the recognized universities.
- (4) The contract of appointment of Judges, under the provisions of sub-section (3), shall specify the work to be practised by the Judge concerned, and period and terms of his service .

Appointment decision not liable to contest

31. No contest shall be made, against the decisions, issued for the appointment of Judges, by any of the contesting ways, or before any judicial body.

Number of Judges

32. The number of Judges shall be as set forth in Schedule I, hereto, and the President of the Republic may amend the same, upon the recommendation of the Council .

Salaries and emoluments of Judges

33. Salaries and emoluments of Judges shall be as set forth in Schedule II, hereto; and the President of the Republic, upon the recommendation of the Council, may amend such Schedule; on condition that the amendment shall not entail prejudice to Judges.

Promotion of Judges

- 34.(1) Promotions, to the posts of Judges of the Supreme Court, Courts of Appeal, General Courts and District Courts, shall be conducted, upon the basis of assessment of competence.
- (2) Upon equality, as to assessment of competence, due regard shall be had to competence and qualification.
- (3) Assessment of competence, provided for in sub-section (1), shall be established, upon the following :-
- (a) assessment of the substantive performance, and includes the nature of cases, number and the standard of performance of the Judge therein;
 - (b) the report of the direct superior, conduct of the Judge, regularity thereof in his work and management of the court thereof;
 - (c) degrees of statistics;
 - (d) absence of administrative contraventions.
- (4) Promotion of a Judicial Assistant to a District Judge of the Third Grade, shall be made, upon the reports submitted thereof.

Degree of competence notified

35. The Chief Justice, forthwith the Inspection and Evaluation of the Performance of Judges Committee finishing assessment of competence, shall notify any Judge, the assessment of competence of whom is less than the degree of above medium, of such assessment; and such Judge shall have the right of grievance to the Council.

Overstepping in promotion notified

36. Where the turn of any Judge for promotion comes, and his name is not set out in the list of nomination for promotion, for a reason other than competence, the Chief justice shall, before submission of the draft promotions, to the Council , notify such Judge of the reasons, which led to his non-nomination for promotion, and such Judge shall have the right of grievance to the Council.

Procedure of notification and grievance

- 37.(1) The notification, referred to in sections 35 and 36 , shall be in writing .
- (2) The grievance, provided for in sections 35 and 36 , shall be by a petition, to be presented to the Council, or the Inspection and Evaluation of the Performance of Judges Committee , in case of Judges subjected to the functions thereof, within fifteen days, of the date of delivery of the notification, and the Committee shall send the grievance, and the file of the Judge concerned, to the Council, within five days, at most, of the date of receipt thereby, of the grievance.

Determination of grievance

38. The Council shall determine such grievance, as may be submitted thereto, under the provisions of sections 35 and 36, after perusal of the papers, before giving the opinion thereof, on the draft promotions of Judges; and the decision of the Council shall, in this case, be final, and not subject to grievance, or contest, by any of the ways, or before any judicial body.

Transfers of Judges

- 39.(1) Subject to the requirements of work , and the special circumstances of Judges, transfers of Judges shall be made by a decision of the Chief Justice, after consultation with Presidents of Judicial Organs.

- (2) The Chief Justice may conduct subsidiary transfers, in cases of necessity, and the same may be done by the President of the Judicial Organ, inside the state concerned.

Seniority of Judges

- 40.(1) Seniority of Judges shall be according to the date of appointment thereof; and where more than one Judge have been appointed, or promoted, at one date, seniority shall be according to the arrangement of appointment, or promotion, in the decision concerning the same .
- (2) Seniority of Judges appointed, from outside the Judiciary, shall be from the date of the decision of the appointment thereof.
- (3) The Council may amend the list of seniority , upon the recommendation of the Chief Justice.

Chapter VI

Assignment, Deputation, Loan , Transfer and

Immunity of Judges

Assignment of Judges and exercise of jurisdiction during absence or disability

- 41.(1) The Chief Justice, upon necessity, may assign any Judge, to work at any court, or perform any other work, as he may specify in the assignment order, for such period, as he may specify.
- (2) The competent President of the Judicial Organ, in case of necessity, may assign any of the Judges of Courts of Appeal, or District Courts, lying within the local limits of his jurisdiction, to work at any court , as he may specify in the assignment order.
- (3) In case of absence of one of the Judges, or his disability for any other reason, to exercise the jurisdiction thereof, his jurisdiction shall be exercised by the most senior of the Judges, at the court, unless where the competent President of the Judicial Organ, or the competent General

Court Judge, as the case may be, assigns whoever exercises such jurisdiction .

Deputing a Judge for other than his work

- 42.(1) The Chief justice may, temporarily, depute a Judge, to perform judicial, or legal business, other than his work, or in addition to his work, upon the consent of the Judge, and consent of the body, to which he is deputed ; provided that deputation shall be for one time only.
- (2) The period of deputation of a Judge, to other than his work, shall not exceed five years.

Loan of a Judge

- 43.(1) Judges may be lent, to perform judicial, or legal business, of foreign governments, or international and regional organizations, by a decision, to be issued by the President of the Republic, upon the recommendation of the Chief Justice.
- (2) The period of loan shall not exceed five continuous years.
- (3) No Judge shall be lent more than once.
- (4) The period of Loan shall be deemed continuous, for the purposes of sub-section (2) , where the days thereof are successive, or there has separated, between the same, such time barrier, as may be less than five years.
- (5) Upon deputation, or loan of a Judge, his post shall be vacant; and may be filled .
- (6) In case of filling the post, during the period of deputation, or loan, the Chief Justice shall establish a super scale post, in which shall work the deputed, or lent Judge .

Leave without pay

- 44.(1) Without prejudice, to the provisions of sub-sections (1) and (2) , of section 49, a Judge, who has spent effective judicial service, not less than five years, may be granted a leave without pay, by a decision of the Chief Justice, based on sufficient cause , upon the request of the Judge.
- (2) The leave without pay shall be granted to a Judge once, for a period, not exceeding four years.
- (3) Upon granting the Judge a leave without pay, his post shall be vacant, and may be filled.
- (4) In case of filling the post, during the period of leave without pay, the Chief Justice shall establish a super scale post, in which shall work the Judge, who is in leave without pay.

Transfer of Judges to non-judicial bodies

45. A Judge may be transferred, to a non-judicial body, upon the approval of the Chief Justice, and the consent of the body, to which such Judge is transferred, by a decision of the President of the Republic.
46. Repealed.

Public service laws applied to Judges

47. Save as expressly provided for, in this Act, and the regulations made thereunder, there shall apply, to Judges, the public service laws.

Chapter VII

Duties of Judges

Taking the oath

48. Upon appointment, the Chief Justice, his deputies and Supreme Court Judges shall take, before the President of the Republic, an oath in the form set out in Schedule IV , hereto, and the rest of Judges

shall take the same, before the Chief Justice, or whoever he may authorize.

**Practice of business inconsistent with
the judicial post prohibited**

- 49.(1) A Judge shall be prohibited from practice of any work, or activity, as may be inconsistent with the duties of the judicial post, or independence of the Judiciary.
- (2) The Council may prevent a Judge from practising any work, or activity, where they deem the practice thereof is inconsistent with the duties of the judicial post, or independence of the Judiciary.
- (3) The regulations shall specify the business and activities, which are inconsistent with the judicial post, and independence of the Judiciary.

Chapter VIII

Supervision, Evaluation and Discipline

Supervision of courts and Judges

50. Subject to Constitutional provisions, and this Act, the Chief Justice shall have the power of administrative supervision of all courts, Judges, Organs and administrations subordinate to the Judiciary.

Warning of Judges

- 51.(1) The Chief Justice may warn a Judge in writing after enabling him to express his point of view, and the competent President of the Judicial Organ may do the same, and in this case, a copy of the warning shall be sent to the Chief Justice.
- (2) A copy of the warning, provided for in sub-section (1), shall be deposited in the Judge's file.
- (3) A Judge, to whom a warning is addressed, may present, within thirty days, of the date of the warning, an appeal, as follows :-

- (a) where the warning is from the Chief Justice, the appeal shall be, to the Council;
 - (b) where the warning is from the President of the Judicial Organ, the appeal shall be, to the Chief Justice.
- (4) The Council, or the Chief Justice, as the case may be, may assign one of the Judges, to investigate into the fact, the subject of the warning; provided that the investigating Judge shall be of a higher grade than the Judge with whom he investigates.
- (5) The decision issued on the appeal, by the Council, or the Chief Justice, as the case may be, shall be deposited in the file of the Judge concerned; provided that the same shall be taken in the evaluation for a period of one year, of the date of call of the warning .

Inspection and evaluation of performance of Judges

- 52.(1) There shall be established a federal committee, to inspect Judges and evaluate the performance thereof, and shall administratively be responsible to the Chief Justice.
- (2) The Federal Inspection and Evaluation of the Performance of Judges Committee shall be constituted , under the chairmanship of one of the deputies of the Chief Justice, or one of the Supreme Court Judges, and membership of an appropriate number of members, from Judges of the Supreme Court and Courts of Appeal.
- (3) There shall be established a state's committee, to inspect Judges and evaluate the performance thereof, at every Judicial Organ, and shall technically be responsible to the Federal Committee, and administratively, to the President of the competent Judicial Organ.
- (4) The State's Inspection and Evaluation of the Performance of Judges Committee shall be constituted of an appropriate number of Judges of the Court of Appeal and the General Court, by a decision of the competent President of the Judicial Organ.

**Function of the Federal Inspection and Evaluation
of the Performance of Judges Committee**

- 58.(1) The Federal Inspection and Evaluation of the Performance of Judges Committee shall have the following competence , to :-
- (a) inspect the business of Courts of Appeal Judges, to assess the competence thereof, and present such proposals, as it may deem necessary, for enhancement of performance;
 - (b) study the applications referred thereto by the Council, or the Chief Justice, and submit recommendations, with respect thereto;
 - (c) revise the state's inspection and evaluation reports, for the purpose of confirming the same.
- (2) The Federal Inspection and Evaluation of the Performance of Judges Committee shall submit the reports thereof, to the Council, through the Chief Justice.
- (3) The Federal Inspection and Evaluation of the Performance of Judges Committee shall inform Judges of such remarks, not in their favour, as may be deposited in the files thereof.

**Function of the State's Inspection and Evaluation of
the Performance of Judges Committee**

- 54.(1) The State's Inspection and Evaluation of the Performance of Judges Committee shall have competence, as to the following, to :-
- (a) inspect the business of the General Courts and District Courts Judges, to assess the competence thereof, and present such proposals, as they may deem necessary for enhancement of performance;

(b) study such applications, as may be referred thereto by the Chairman of the Federal Inspection and Evaluation of the Performance of Judges Committee, through the competent President of the Judicial Organ, and submit proposals with respect thereto .

(2) The State's Inspection and Evaluation of the Performance of Judges Committee shall submit the reports thereof, to the Federal Inspection and Evaluation of the Performance of judges Committee, through the competent President of the Judicial Organ.

The Inspection and Evaluation of the performance of Judges Regulations

55. Both the Federal and State's Inspection and Evaluation of the Performance of Judges Committees shall, in the performance of the tasks thereof, follow such procedure, as the regulations may specify.

Complaints against Judges

56.(1) Complaints against Judges shall directly be presented, to the Chief Justice and his deputies, or through the competent President of the Judicial Organ.

(2) The Chief Justice may transfer such complaints, as may be presented thereto, against Judges, to whoever he may select of the Judges higher in grade than the Judge, against whom the complaint is presented, to conduct thereon such investigation, as may be necessary, and submit his report with the recommendation thereof to the Chief Justice.

(3) Where it transpires, from the investigation, provided for in sub-section (2), the presence of such as may require warning, or discipline of the Judge concerned, the Chief Justice shall take, against him, such as he may deem fit, in accordance with the provisions of this Act.

Requirements of discipline

- 57.(1) The Chief Justice and his deputies shall not be disciplined, under this Act.
- (2) There shall be presented, for discipline, every Judge, who contravenes the duties of his post, or the honour of the profession thereof, or conducts himself, either by act, or omission, in such way, as may degrade the same, or absents himself, from work, without permission, or acceptable excuse.

Disciplinary suit held

- 58.(1) A disciplinary suit, against the Judges of the Supreme Court shall be held by a decision, to be issued by the Council, upon a recommendation therefor, by the Chief Justice.
- (2) A disciplinary suit, against Judges of the Court of Appeal the General Courts and District Courts, shall be held by a decision, to be issued by the Chief Justice, of his own accord, or upon a recommendation therefor, by the competent President of the Judicial Organ.
- (3) A disciplinary suit shall not be held, under the provisions of this Act, save after conducting a preliminary investigation, on the fact, subject of the discipline.

Constitution of the board of discipline

- 59.(1) Discipline of Supreme Court Judges shall be assumed by a board of discipline, to be constituted, under the presidency of one of the Chief Justice deputies, and membership of one of the Supreme Court Judges, whose seniority shall, as far as possible, be prior to the seniority of the Judge, who is intended to be disciplined, and a member from the Council, otherwise than from Judges, to be selected by the Council.

- (2) Discipline of Courts of Appeal, General Courts and District Courts Judges, and Judicial Assistants, shall be assumed by a board of discipline, to be constituted by the Chief Justice, of three Judges, whose president shall be higher in grade than the Judge intended to be disciplined, and the seniority of the members shall, as far as possible, be prior to the seniority of such Judges.

Power of the board of discipline to investigate

60. The board of discipline may conduct any investigation, as they may deem necessary , and may assign one of the members thereof to perform the same.

Suspension from work

- 61.(1) The Chief Justice, or the competent President of the Judicial Organ , of his own accord, or upon the recommendation of the board of discipline, may suspend the Judge intended to be disciplined, from work.
- (2) Suspension of the Judge from work shall not entail suspension of his salary totally, or partially, unless expressly provided for in the decision of suspension, from work, or in a subsequent decision.

Procedure of discipline

- 62.(1) Sittings of the board of discipline shall be in camera .
- (2) The board of discipline shall avail the Judge intended to be disciplined, the opportunity of defending himself.
- (3) The Judge may present his defense by himself, or by whoever may act on his behalf.
- (4) Where the Judge does not appear, the board of discipline may continue the proceedings, against him, in his absence, after verifying his having been summoned.

Decision of the board of discipline

- 63.(1) The decision of the board of discipline shall include the grounds, upon which it has been based.
- (2) The decision of the board of discipline shall be read in camera, and a copy of the decision shall, as far as possible, be delivered to the Judge, who has been disciplined .
- (3) Subject to the provisions of section 66(1), the decision of the board of discipline shall be submitted, to the Council, through the Chief Justice, or the competent President of the Judicial Organ, as the case may be, within a period, not exceeding seven days, of the date of issue thereof.

**Penalties which may be inflicted by
the board of discipline**

64. The board of discipline may inflict, on Judges, any of the following penalties :-
- (a) reprimand;
 - (b) deprivation of increment, or promotion, for a period, not exceeding two years;
 - (c) fine, which is equivalent to the salary of the Judge, for the period of notice, which would have been given, had the service been validly terminated, or with fine amounting to 5% of his entitlements to gratuity, or with both, in case of conviction of absence, from work without permission, or acceptable excuse;
 - (d) dismissal.

Contest of the decision of the board of discipline

65. The decision of the board of discipline may, within a period, not exceeding seven days, of the date of pronouncing the same, or notifying the parties thereof, be contested, to the Council, through the Chief Justice, or the competent President of the Judicial Organ, as the case may be.

Confirmation

- 66.(1) The decision of the board of discipline shall be confirmed by a decision of the Council; provided that the confirmation shall, in case of the decision of dismissal of any of the Supreme Court Judges, be by two-thirds of the total members of the Council .
- (2) The Council, of their own accord, or upon the request of the Judge, who has been disciplined, may dismiss, amend or confirm conviction, or the penalty, or confirm them both, and the decision thereof shall be final.
- (3) The Council may return the papers, for re-discipline, or review of the decision of acquittal, on the conviction, or penalty.

Enforcement of the penalty inflicted by the board of discipline

- 67.(1) The penalty of dismissal shall be effective, and the judicial mandate shall be removed from the Judge, as from such date, as the decision of the President of the Republic may specify.
- (2) The other penalties, which have been inflicted by the board of discipline, shall be effective, as from the date of confirmation, by the Council, thereof; provided that there shall be filed, in the Judge's file, a copy of the Council's decision of confirmation.

Effect of the discipline suit

68. The discipline suit shall have no effect, upon any criminal, or civil suit, which may be arising out of the same fact, or facts, upon which the discipline suit is based .

Lapse of the discipline suit

69. The discipline suit shall lapse, by acceptance of the Judge's resignation, presented under the provisions of section 73, or his retirement on pension, under any of sections 74 and 75 .

Chapter IX

Treatment of Judges During Investigation

Or Trial

Arrest or detention

- 70.(1) A Judge shall not be arrested, detained or any of the procedure of investigation shall be taken with him, nor a criminal suit shall be instituted against him, save upon permission, from the Chief Justice, the competent President of the Judicial Organ or the nearest Judge higher than him in grade.
- (2) Notwithstanding the provisions of sub-section (1), a Judge may be arrested, or detained, in case of red-handedness, in any of the absolute offences; provided that the matter shall be submitted to the Chief Justice, or the competent President of the Judicial Organ, as the case may be, within, as far as possible, twenty four hours, as from commencement of arrest, or detention, for confirmation, or revocation; provided that the Judge shall be detained in his house, or any private place as far as possible.
- (3) Investigation, in all cases, shall be assumed by a Judge, who is higher in grade than the Judge, with whom investigation is conducted.

Suspension during investigation or trial

- 71.(1) The Chief Justice, or the competent President of the Judicial Organ, as the case may be, may order the suspension of the Judge, from work, during the procedure of investigation, or trial, in any offence, as may have been committed thereby.
- (2) Suspension of the Judge, from work, under the provisions of sub-section (1), shall not entail total, or partial suspension of his salary, unless expressly provided therefor in the suspension order.

- (3) The Chief Justice, or the competent President of the Judicial Organ, as the case may be, shall have the right to review the suspension of the Judge, from work, or suspension of the salary thereof.

Chapter X

Termination of the Service of the Judge

Reasons of termination of service

72. Subject to the provisions of section 64(d), the service of any Judge shall terminate, for any of the following reasons, :-
- (a) removal;
 - (b) resignation;
 - (c) retirement on pension.

Resignation

73. The resignation of the Judge shall be presented, to the President of the Republic, as follows :-
- (a) in case of the Chief Justice, his deputies and the Supreme Court Judges, through the Council ;
 - (b) in case of the Appeal Courts, General Courts and District Courts Judges, through the Chief Justice, and the competent President of the Judicial Organ.

Retirement on pension

- 74.(1) A Judge shall be retired on pension, where he attains sixty five years of age.
- (2) Retirement, upon application of sub-section (1) , shall be by a decision, to be issued by the President of the Republic, upon the recommendation of the Chief Justice.

- (3) Notwithstanding the provisions of sub-section (1), the President of the Republic, in case of necessity, and upon the recommendation of the Chief Justice, may extend the period of service of the Judge for another period of one year, subject to renewal; provided that the additional periods shall not , in total, exceed five years.

Retirement on pension for health reasons

- 75.(1) Notwithstanding the provisions of section 7, a Judge shall be retired on pension, where it transpires, after being presented to the Medical Commission, that he cannot, for health reasons, perform the tasks of his post, in the most ideal way.
- (2) Retirement, upon application of the provisions of sub-section (1), shall be by a decision, to be issued by the President of the Republic, upon the recommendation of the Chief Justice.
- (3) There shall precede the application of the provisions of sub-sections (1) and (2), treatment of the Judge at the State's hospitals, and private clinics , or outside the country, where the Medical Commission decides that his case requires treatment abroad.

Termination of service of the Judge

76. Subject to the provisions of section 67(1), the service of the Judge shall be deemed terminated, and the judicial mandate shall be removed therefrom, as from the date of his being notified of the decision of the President of the Republic, of the acceptance of his resignation, presented under the provisions of section 73, or his retirement on pension, under the provisions of section 74 , or section 75.

Pensions of Judges

77.(1) Notwithstanding any provision, to the contrary, in the Public Service Pensions Act, 1992, a Judge shall be entitled to pension, where the period of his effective service amounts to twelve years , and shall be entitled to gratuity, where his effective service is less than that.

(2) A Judge may request retiring him on pension, where the period of his effective service amounts to twelve years, and his pension shall be settled, in accordance with the provisions of sub-section (3).

(3) The amount of monthly pension, due for payment to a Judge, shall be settled as shown below; provided that the amount of pension shall not exceed his last monthly salary :-

$$\frac{\text{The last monthly salary} \times \text{the number of months of the}}{\text{Effective service} \times \underline{1}} \times 480$$

(4) A Judge, who spends the period of twenty months of pensionable effective service, shall be entitled to commute, during the service, up to one-third of the pension due under this Act; provided that such pension shall be settled according to the salary and grade which he occupies.

(5) Subject to what is set out in sub-section (4), in case of death of a Judge, who completes twelve months in pensionable effective service, his family shall be entitled to commute up to one-third of the due pension, unless such part has previously been commuted.

(6) Notwithstanding any prevision, to the contrary, in any law, the President of the Republic, upon the recommendation of the Chief Justice, or upon an application, to be presented thereto, may in such cases, and for such reasons, as he may deem fit, grant a retired Judge, or the family thereof, an exceptional pension, or gratuity, or both together, as to such amount, and as to such conditions, as he may deem fit.

(7) Save as expressly provided for, in this Act, and the regulations made thereunder, there shall apply, to pensions and gratuities of Judges, the provisions of the Public Service Pensions Act, 1992.

Work in advocacy after termination
of service prohibited

- 78.(1) The Chief Justice shall, after termination of service thereof, be prohibited from working in advocacy, during the two years subsequent to termination of his service; provided that he shall be granted, during the same, all the emoluments and privileges of the office thereof.
- (2) Deputies of the Chief Justice and the Supreme Court Judges shall, after termination of the service thereof, be prohibited from working in advocacy, during the year subsequent to termination of their service; provided that they shall be granted, during the same, all the emoluments and privileges of the offices thereof.
- (3) The Chief Justice and deputies thereof shall enjoy the right to have a diplomatic passport, after their retirement on pension.
- (4) The Chief Justice, the deputies thereof and the Supreme Court Judges shall, after their retirement on pension, be entitled to two travel tickets once annually, inside and outside the Sudan by air; on condition that they shall not enjoy such right from more than one body.
- (5) The Chief Justice, the deputies thereof and Supreme Court Judges shall, after their retirement on pension, be entitled to :-
- (a) the cost of treatment, for themselves, inside the Sudan; or
 - (b) the cost of treatment, for themselves, outside the Sudan, where the General Medical Commission recommends the same;
 - (c) the cost of travel of the accompanying person, in case of treatment outside the Sudan, where the General Medical Commission recommends the same.

Chapter XI

Miscellaneous Provisions

Delegation of powers

79. The Chief Justice may delegate any of his powers, provided for in this Act, to any of his deputies, the competent Presidents of Judicial Organs , the Judges of the Supreme Court, or Courts of Appeal, as he may deem necessary.

Vacation of courts-Judges card

- 80.(1) Courts shall have an annual vacation, the period, the date of commencement and the manner of organizing work during which, shall be specified by the regulations.
- (2) Judges shall have a card, and shall be an official document, for the purposes of proof of identity, and acceptance of which shall be mandatory to Government bodies, and otherwise, and shall be renewed, as the Chief Justice may prescribe.

Courts Administration

- 81.(1) There shall be established an administrative organ, to be known as the, "Courts Administration", and be subordinate and responsible to the Chief Justice; the presidency of which shall be by whoever the Chief Justice may appoint, from among Judges of the Supreme Court, or Courts of Appeal.
- (2) The Council upon the recommendation of the Chief Justice, may establish any administrations, according to the requirements of work.
- (3) The administrations, established under this section shall be subordinate and responsible to the Chief Justice, and the presidency of which shall be by whoever the Chief Justice may appoint, from among Judges of the Supreme Court , or Courts of Appeal.

- (4) The regulations shall specify the functions of the administrations established under the provisions of this section, and the manner of formation thereof.

**Terms of service and the way of discipline of
employees of the Courts Administration**

82. The regulations shall specify the terms of service and the way of discipline of the employees of the Courts Administration .

The Training Technical Organ

83. There shall be established a training technical organ, the functions and manner of formation of which, shall be specified by the regulations.

Power to make regulations

84. The Council may make such regulations, as may be necessary, for implementation of the provisions of this Act.

Schedule I**(See section 32)****Number of Judges**

The number of Judges and Judicial Assistants shall be as follows :-

- (a) the Chief Justice;
- (b) {3} three deputies of the Chief Justice;
- (c) {70} seventy Supreme Court Judges;
- (d) {130} one hundred and thirty Courts of Appeal Judges;
- (e) {200} two hundred General Courts Judges;
- (f) {400} four hundred First Grade Judges;
- (g) {300} three hundred Second Grade Judges;
- (h) {300} three hundred Third Grade Judges;
- (i) {300} three hundred Judicial Assistants.

Schedule II**The Salaries Chart of Members of the Judiciary**

Post	Basic Salary	Consolidated Allowance	Cost of living Allowance	Representation Allowance	Judges Allowance	Grant	Total in Dinars
Chief Justice	42.000	8000	10.000	-	-	24.000	84.000
Deputy Chief Justice	25.000	5000	7500	-	-	15.000	52.500
Supreme Court	11.000	12.000	3.350	3000	12.500	2625	43.475
Court of Appeal	9165/9555	10.500	2310	1.400	10.000	1.900	35.275
Appellate Court	7941/8295	9000	2180	900	9000	1700	30721
First Grade	6755/7175	7500	2095	700	8000	1500	26550
Second Grade	6401/6836	6000	2000	500	7000	1400	23301
Third Grade	5476/6001	5000	1770	-	6000	1200	19446
Judicial Assistant	4612/5404	4000	1700	-	5000	1100	16412

Schedule III
Emoluments

I: Consolidated Allowance :

The consolidated allowance is exempted from tax

II: Pension :

The basic salary, the consolidated allowance and the cost of living allowance shall be calculated for the purpose of settlement of pension.

III: Cars

A Government car shall be allotted, for full use, for each of the Chief Justice, his deputies and Supreme Court Judges .

Free Government Accommodation :

(1) free Government accommodation does not include the value of use of water and electricity.

(2) accommodation :-

The Chief Justice shall hire houses for Judges of the Supreme Court, to whom no Government houses have been allotted.

Schedule IV
The Oath

I swear, by Almighty Allah, to work truthfully and sincerely to achieve justice, being bound by the provisions of the Constitution, and the law, without fear, or favour, or bad faith, and Allah, to what I say, is the Witness .