LAWS OF THE NEW SUDAN

THE JUDICIARY ACT, 2003

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(PROVISIONAL ORDER)

Laws Of The New Sudan
The Judiciary Act, 2003

Chapter One

Preliminary Provisions

Section 1. Title and Commencement:-
This Act may be cited as "The Judiciary Act, 2003" and shall come into effect on the date of signature by the Chairman.

Section 2. Repeal and Saving:-

1) The Judiciary Law 1994 is hereby repealed.
2) All acts, orders and regulations done or issued under the Judiciary Law1994 shall continue in force till repealed or amended in accordance with the provisions of this Act.

Section 3. Definitions:-
In this Act, unless the context otherwise requires, the following words and expressions shall carry the meanings attached to them:-
"President of Court of Appeal" means the Chief Justice of the New Sudan.
"President of the Court" means the Judge in charge of the administration of the Court concerned.
"Judge" means a Judge appointed in accordance with the provisions of this Act.
"The Council" means the High Judicial Council established in accordance with the provisions of the High Judicial Council Act, 2003.
"SPLM" means the Sudan People's Liberation Movement.
"CANS" means the Civil Authority of the New Sudan.
"LC" means the Leadership Council of SPLM and CANS.
"Chairman" means the Chairman of SPLM and CANS.
"Committee" means the Judiciary Supervisory Committee.
"Board" means Board of Discipline set up in accordance with the provisions of this Act.
"NLC" means the National Liberation Council.
"Chief Justice" means a Senior Judge who is the Chief Administrator of the Judiciary.

Section 4. Vesting of Judicial Powers:-
Judicial powers in the New Sudan shall be vested in an independent body to be known as "The Judiciary" and shall in the discharge of its duties be directly responsible to the Chairman.

Section 5. Classification of Courts:-

The New Sudan Courts shall be classified as follows:-

a) Court of Appeal.
b) High Courts.
c) County Courts.
d) Payam Courts.
e) Regional Courts.
f) Chiefs Courts.
g) Any other Court established by law specifying its constitution, the seat and jurisdiction thereof.

Section 6. Powers and Jurisdiction of the Courts:-

1) Courts shall have powers to determine all the disputes and try all the cases other than those excepted by law.
2) Every Court shall have the power to determine matters submitted to it in accordance with the Law.
3) Courts shall not directly or indirectly adjudicate upon acts of sovereignty.

Section 7. Rules of Jurisdiction:-

Save as otherwise specially provided for by any other law, the rules governing the jurisdiction of Courts and the procedures to be followed or applied thereto, shall be the rules and procedures prescribed by the Civil Procedure Act, 2003 and the Code of Criminal Procedure, 2003.

Chapter Two

Organization Of Courts

Court Of Appeal.

Section 8. Constitution of Court of Appeal:-

1) The Court of Appeal, which is the highest Court in the New Sudan, shall be constituted as follows:-
   a) The President, who shall be called the Chief Justice.
   b) The Deputies to the Chief Justice.
   c) A number of Judges appointed as members of the Court of Appeal.
2) The seat of the Court of Appeal shall be in the capital of the New Sudan, but may in the performance of its duties, sit at any other place inside the New Sudan, as the Chief Justice may direct.
3) The powers and jurisdiction of the Court of Appeal shall be as provided in the Code of Criminal Procedure, 2003 and the Civil Procedure Act, 2003.

Section 9. Circuits of the Court of Appeal:-

1) There shall be established, in the Court of Appeal, the following circuits:-
    a) a circuit for determination of Constitutional matters, the constitutionality of laws, applications for interpretation of laws and conflict of jurisdiction, and shall be called "The Constitutional Circuit".
    b) a circuit for determination of appeals in criminal matters and shall be called "The Criminal Circuit".
    c) a circuit for determination of appeals in civil, commercial and other matters, and shall be called "The Civil Circuit".

2) The Constitutional Circuit shall be constituted of the whole membership of the Court of Appeal presided over by the Chief Justice.
3) The Criminal and the civil circuits shall consist of three members each, presided over by the Chief Justice, his deputy or any other Senior Judge whom he may authorize.
4) Judgements shall be passed by majority opinion.

High Courts

Section 10. Establishment and Constitution:-

1) There shall be established one or more High Courts in each region of the New Sudan, as the Council may recommend.
2) A High Court circuit shall consist of a number of Judges headed by a president.
3) The seats of the High Courts shall be determined by their warrants of establishment.

Section 11. Powers and Jurisdiction:-

1) The powers and jurisdiction of a High Courts shall be as specified in the Code of Criminal Procedure, 2003 and the Civil Procedure Act, 2003.
2) A High Court shall have both appellate and original jurisdictions.
3) One Judge sitting alone shall exercise the powers of a High Court.

County Courts

Section 12. Establishment and Constitution:-

1) There shall be established, one or more County Courts in each County.
2) The seat of each County Court shall be determined in its warrant of establishment.

Section 13. Powers and Jurisdiction:-

1) The County Court of 1st Class/grade Judge shall have original and appellate jurisdictions as specified in the Code of Criminal Procedure, 2003 and the Civil Procedure Act, 2003.

2) The seat of the County Court shall be in the County headquarters or any other place within its jurisdiction.
3) One Judge sitting alone shall exercise the powers of a County Court.

Payam Courts

Section 14. Establishment and Constitution:-

1) There shall be established in each Payam, one or more Payam Courts.
2) The warrant of establishment shall specify the seat and jurisdiction of each Court, as the Chief Justice deems appropriate.

Section 15. Powers and Jurisdiction:-

1) Payam Courts shall have original jurisdiction as may be prescribed by law.
2) The jurisdiction of a Payam Court shall be exercised by one Judge sitting alone or by three elected lay magistrates of good reputation.
3) Payam Courts shall exercise their powers in accordance with the provisions of the Civil Procedure Act, 2003 and Code of Criminal Procedure, 2003.

Local Courts

Section 16. Establishment of Local Courts:-

There shall be established two types of local Courts in each Payam, namely:-

1) Regional Courts.
2) Chiefs Courts.

Section 17. Regional Courts:-

1) There shall be established in each Payam one or more Regional Courts.
2) A Regional Court shall be constituted of a number of Bumas.
3) Each Regional Court shall consist of five elected nationals of good reputation in the Payam.
4) The powers and jurisdiction of each Regional Court shall be prescribed in the warrant of establishment.

Section 18. Chief Court:-

1) There shall be established in each Buma a Chief Court.
2) The Chief Court shall be composed of sub chiefs and presided over by an Executive Chief.
3) The powers and jurisdiction of the Chief Court shall be prescribed in its warrant of establishment.

Section 19. Conferment of Judicial Powers:-

1) The Chief Justice may confer for a limited or unlimited period, upon a Judge of 1st grade the powers of a High Court Judge or upon a Judge of 2nd grade, the powers of a Judge of 1st grade or upon a Judge of 3rd grade the powers of a 2nd grade Judge.
2) The Chief Justice may confer upon any public servant or citizen of good reputation, magisterial powers of 1st or 2nd class.

Chapter Three
Appointment of Judges

Section 20. Appointment in Judicial Positions:-

1) The Chief Justice and his deputies shall be appointed by the Chairman, subject to the confirmation of the NLC.
2) Judges of Court of Appeal shall be appointed by the Chairman on the recommendation of the Council.
3) High Court, County Court and Payam Court Judges shall be appointed by the Chairman on the recommendation of the Council.

Section 21. General Conditions of Appointment:-

A person shall be eligible for appointment in a judicial position if:-

1) He is a New Sudan national with full capacity.
2) He is a holder of a degree or higher qualification in law from a recognized University or higher institution of learning or a paralegal.
3) He is not less than:-
    a) 25 years of age if the appointment is for Payam Court.
    b) 30 years of age if the appointment is for the County Court.
    c) 35 years of age if the appointment is for the High Court.
    d) 40 years of age if the appointment is for the Court of Appeal.
4) He is of good behaviour and conduct and should not have been convicted before any Court or board of discipline for an offence involving dishonesty or moral turpitude even if he was pardoned.

Section 22. Appointment of Court of Appeal Judges:-

Without prejudice to the provisions of sections 20 and 21 of this Act, appointment of Judges of Court of Appeal shall be as follows:-

1) By selection from among the High Court Judges, or
2) Appointment from outside Judiciary as follows:-
    a) from former Judges who must have served in the position of Court of Appeal or High Court Judge or from others who must have served in equivalent legal positions.

b) from the legal Counsels of the Secretariat of Legal Affairs and Constitutional Development (Attorney General's Chambers) who hold a position in the status of Court of Appeal or High Court Judge and in the last case, must have served in that position for at least three years.
c) from advocates but he must have actually practised advocacy for at least 13 years.
d) from a law teaching staff of a recognized University or institute and must have taught law for at least ten years.

Section 23. Appointment of High Court Judges:-

Without prejudice to the provisions of sections 20 and 21 of this Act, appointment of the Judges of the High Court shall be as follows:-

1) By promotion from County Court Judges, or
2) By appointment from outside Judiciary as follows:-
    a) from former Judges who must have served in the position of a High Court or County Court Judge.
    b) from the legal Counsels of the Secretariat of Legal Affairs and Constitutional Development (Attorney General's Chambers) serving in a position in the status of a High Court or County Court Judge.
    c) from advocates who must have actually practised advocacy for at least 10 years.
    d) from a law teaching staff in, one of the recognized Universities or institutes and must have practised teaching law for at least 8 years.

Section 24. Appointment of County Court Judges:-

Without prejudice to the provisions of sections 20 and 21 of this Act, appointment of County Court Judges shall be as follows:-

1) by promotion from Payam Court Judges.
2) by appointment from outside Judiciary as follows:-
    a) from former Judges who must have served in the position of a County Payam Court Judge.
    b) from legal Counsels of the Secretariat of Legal Affairs and Constitutional Development (Attorney General's Chambers) holding a position equivalent to that of a County Payam Court Judge.
    c) from advocates who must have practised advocacy for at least 8 years.
    d) from a law teaching staff in a recognized University or Institution of learning who must have taught law for at least 6 years.

Section 25. Appointment of Payam Court Judges:-

Without prejudice to the provisions of sections 20 and 21 of this Act, Payam Court Judges shall be appointed as follows:-

1) by promotion from Judicial assistants or 3rd grade Judges.
2) by appointment from outside Judiciary as follows:-
    a) from former 2nd or 3rd grade Judges.
    b) from legal Counsels from the Secretariat of Legal Affairs and Constitutional Development (Attorney General's Chambers) who occupy positions equivalent to that of 2nd or 3rd grade Judge.
    c) from advocates who must have practised advocacy for at least four years.
    d) from a law teaching staff in a recognized University or Institution of learning and must have taught law for at least three years.
    e) from a staff doing a legal work, and this must be by a resolution of the High Judicial Council and he must have worked for at least seven years in that profession.

Section 26. Appointment of Judges of 3rd Grade:-

1) Without prejudice to the provisions of section 21 of this Act, 3rd grade Judges shall be appointed by selection.
2) The Chief Justice shall appoint a 3rd Grade Judge for a probation period of one year, but the Chief Justice may extend the period if the performance of the Judge is not satisfactory, he may also shorten the period in case of a good former service or higher qualification of the Judge on probation.
3) In pursuance of subsection (2) above, a 3rd Grade Judge on probation shall be confirmed by an order issued by the Chairman on the recommendation of the Chief Justice.

Section 27. Powers of the Chairman to Appoint Judges:-

1) Without prejudice to the provisions of sections 20 and 21 of this Act, the Chairman may appoint trusted national from former Civil servants who had held executive positions, as a Judge of 1st or 2nd grade in any specified Court.
2) The terms of service shall be specified by the Chairman.
3) Appointment of a Judge under subsection (1) above, shall be on the recommendation of the Chief Justice.
4) Anybody appointed under this section shall not be promoted to a higher rank in the Judiciary.
5) Anybody appointed under this section shall continue to hold this office so far as he is capable of doing his job and respects the norms and ethics of the profession.

Section 28. Objection Against Appointment:-
Orders for appointment of Judges are not subject to any objection or appeal in any way or before any Judicial body.

Chapter Four

Promotion And Seniority Of Judges

Section 29. Basis of Promotion:-

1) Promotions in the junior Judicial positions, from the position of County Judge, shall be on merits and in case of equality, efficiency and seniority shall be considered.
2) In determination of merits, the types and number of cases tried by the Judge and his level of performance in addition to punctuality of the Judge in his work and administration of his Court shall be considered.

Section 30. Cautioning on the Level of Efficiency:-
The Chief Justice shall upon accomplishment of evaluation by the Judiciary Supervisory Committee, set up in accordance with the provisions of sections 43 of this Act, caution Judges whose level of efficiency is below half, and whoever is cautioned shall have the right of appeal to the Council.

Section 31. Cautioning on Being Left out of Promotion:-
The Chief Justice shall before presentation of promotions proposals to the Council in accordance with the provisions of Section 6 (i) (a) & (b) of the High Judicial Council Act, 2003, caution all the Judges who were supposed to be promoted, but not included in the proposed list of promotions for reasons, other than efficiency, stating the reasons and the aggrieved Judge shall have the right to appeal to the Council.

Section 32. Procedures of Cautioning and Appeal:-

1) The cautioning under sections 30 and 31 shall be in writing.
2) The appeal under the same sections, shall be by a petition presented to the Judiciary Supervisory Committee within 15 days from the receipt of the cautioning and the committee shall send the appeal together with the file of the Judge to the Council, within ten days at most from the date of the receipt of the appeal.

Section 33. Disposal of Appeal:-
The Council shall look into all the appeals presented to it under sections 30 and 31 of this Act, after perusal of papers and files and hearing of the appellants before consideration of promotion of Judges, and the decision of the Council shall be final.

Section 34. Appeal against Orders of Promotion:-
Orders of promotion are not subject to objection or appeal in any way or before any Court.

Section 35. Seniority of Judges:-

1) Seniority of Judges shall be determined in accordance with the date of appointment or promotion.
2) When two or more Judges are appointed or promoted in the same order, the seniority shall be according to the sequence of their appointment or promotion in that order.
3) The Council may adjust the list of seniority of Judges on the recommendation of the Chief Justice.

Section 36. Seniority of Appointees from Outside Judiciary:-

1) The order of appointment shall determine the seniority of Judges appointed from outside Judiciary. In lieu of that, their seniority shall be with effect from the date of the order of appointment.
2) The seniority of legal Counsels appointed from the Secretariat of Legal Affairs and Constitutional Development, shall be from the date of their appointment or promotion in the Secretariat.

Chapter Five

Assignment, Attachment, Retirement And Immunities Of Judges

Section 37. Assignment of Judges:-

The Chief Justice may assign for a specific period, any Judge to work in any other Court or do any other or additional assignment as the order may prescribe.

Section 38. Assignment to Act:-

1) The Chief Justice may assign one of the Judges to act in case of a vacancy due to absence or inability of a Judge, for any other reason, from the performance of his duties.
2) In the absence of one of the Judges or inability to perform his duties for any other reason, his duties shall be performed by the most senior Judge in the Court unless he, after consultation with the Chief Justice, has assigned another Judge to act in his place from amongst the Judges of the Court.

Section 39. Secondment of Judges:-

1) A Judge may be seconded or reassigned temporarily for Judicial or any other legal work, which is not his work or in addition to his work, by an order issued by the Chief Justice.
2) The secondment or reassignment of the Judge shall be with his consent and approval of the institution to which he is seconded or reassigned.
3) The period of the secondment or reassignment of the Judge outside his work shall not exceed three consecutive years.

Section 40. Attachment of Judges:-

1) Judges may be seconded on attachment for Judicial or any other legal work with foreign governments or International organizations on the recommendation of the Chief Justice and order of the Chairman.
2) The period of attachment shall not exceed three consecutive years except when necessary and that should be by an order issued by the Chairman on the recommendation of the Chief Justice.
3) A period is said to be continuous under this section and section 39 above, if it is continuous or interrupted by a period of less than three years.

Section 41. Transfer of Judges:-

A Judge may be transferred to a non Judicial position by the Chairman after consultation with the Chief Justice.

Section 42. Removal of Judges:-

Judges shall not be removed except in accordance with the law.

Chapter Six

Judicial Supervisory Committee

Section 43. Judicial Supervision:-

1) The Council shall establish a committee to be known as "The Judiciary Supervisory Committee". The Committee shall be answerable to the Council.
2) The Committee shall be headed by a selected Judge of Court of Appeal and membership of other two senior Judges.
3) The Committee shall be constituted by an order issued by the Chief Justice after consultation with the Council.
4) The Chief Justice may on the recommendation of the Chairman of the Committee, direct any group or number of Judges to perform any act the committee may require them to do.

Section 44. Functions of the Committee:-

The Committee, in the performance of its functions and duties shall:-

1) Supervise the conduct of work in the Courts and submit any observations and proposals in respect thereof to the Council.
2) Inspect the work of County and Payam Court Judges to determine their levels of efficiency, investigate and despose of complaints against them and complaints by them, and act in accordance with the provisions of the Judicial Supervisory Committee Regulations as provided under section 45 of this Act.

3) Caution Judges on whatever report put in their files for or against them.

4) Keep the Chief Justice informed on the progress of the inspection work.

5) May be authorized by the Chief Justice to despose of any complaints that may be lodged against any Judge whatsoever his grade may be.

Section 45. Judicial Supervision Regulations:-
The Council shall make regulations to provide for the functions, duties and powers of the Judiciary Supervisory Committee.

Chapter Seven

Supervision Of Courts And Judges

Section 46. Power of Supervision:-
The Council shall supervise all the Courts and Judges. The President of each Court shall supervise all the Judges and Courts under him.

Section 47. Power to Caution Judges:-

1) The Council shall caution all the Judges after hearing their statements.
2) The President of each circuit shall caution all the Judges in his circuit, in respect of matters inconsistent with their duties, after hearing their statements.
3) The cautioning may be verbal or written, and in case it is written, a copy of it shall be sent to the Chief Justice.
4) The Chief Justice shall be competent to caution any Judge after hearing his statement.

Section 48. Objection against Cautioning:-

1) A Judge shall have the right to object to the Chief Justice against the written cautioning addressed to him under section 47(3), by an appeal submitted within seven days from the date of the receipt of the caution.
2) A Judge shall be entitled to object to the Council on the written cautioning addressed to him under section 47(4) of this Act, by an appeal submitted within seven days from the date of receipt of the cautioning.
3) The Chief Justice may inquire into the subject matter of the cautioning, he may after hearing the Judge, assign his deputy or any other senior Judge to make such inquiry and take the statements of the Judge.

4) The Council may inquire into the subject matter of the cautioning. It may after hearing the Judge, assign one of its members to make such inquiry.
5) The Council may confirm or nullify the cautioning.
6) The Judge shall forfeit promotion for a period of six months from the date of confirmation of the cautioning.

Chapter Eight

Duties Of Judges

Section 49. Oath:-

1) Judges shall take oath of office before assuming their duties.
2) The Chief Justice and his deputies, the Judges of Court of Appeal and High Courts shall take oath before the Chairman.
3) Other Judges shall take oath before the Chief Justice or any other senior Judge whom he may authorize.

Section 50. Prohibition of Business:-

1) No Judge shall engage in trade or any other business. He shall not combine his Judicial position with work incompatible with the duties of a Judge and independence of Judiciary.
2) The Council shall prohibit any Judge from performing any business which, in its opinion, is incompatible with the duties of his office and efficiency.

Section 51. Discipline and Trial of Judges:-

Any Judge who violates professional ethics, rules and regulations or behaves in a manner incompatible with the duties of his office, or commits an act which degrades it, shall be committed to a board of discipline.

Section 52. Constitution of Board of Discipline:-

1) Discipline of Judges shall be the duty of a board of discipline constituted by the Chief Justice, of Judges senior to the Judge, subject of discipline, whenever possible.
2) Discipline of the Chief Justice and his Deputies shall be by a board of discipline constituted by the Chairman as follows:-
   a) Deputy Chairman of SPLM and CANS ***Chairperson.***
   b) Commissioner for Legal Affairs and Constitutional Development ***Member.***
   c) Leader of NLC ***Member***
   d) Two Court of Appeal Judges nominated by all the Judges of the Court of Appeal ***Members***

Section 53. Framing of Disciplinary Charges:-

1) The Chairman shall direct the framing of disciplinary charges against the Chief Justice or his Deputy.

2) Framing of disciplinary charges in other cases shall be on the request of the Chief Justice, the Council or any of its members or the committee.

Section 54. Request for Constitution of the Board:-

Request for the constitution of a board of discipline shall be after a criminal or administrative investigation conducted by the President of the Court under whom the Judge falls. Investigation can also be conducted by a member of the Committee or a Judge appointed by the Chief Justice for the purpose, provided that the Judge is senior to the Judge subject of investigation.

Section 55. Powers of the Board:-

The Board of Discipline may delegate one of its members to conduct any investigation it deems necessary.

Section 56. Proceedings of the Board:-

If the board decides to proceed against the Judge on all or some of the charges against him, the Judge shall be summoned to appear before the Board and a copy of the charges shall be attached to the summons.

Section 57. Suspension:-

1) The Board may, if it decides to proceed with the trial, suspend the Judge from performance of his duties up to the end of the proceedings. The Board may reconsider the order of suspension thereafter.
2) Suspension of the Judge under subsection (1) above, does not deprive the Judge of his pay while on suspension, unless the Board decided to deprive him of the whole or part thereof.
3) The Chief Justice may suspend the Judge with; without or with half pay or as the case may be.

Section 58. Sittings of the Board:-

1) All the sittings of the Board shall be in camera.
2) The Judge shall appear in person before the Board. He may submit a written defence or chose a friend to defend him.
3) The Board shall hear the defence of the Judge against whom the proceedings are made.
4) If the Judge to be disciplined fails to appear before the Board, the Board may proceed in his absence if it is satisfied that the summon was actually served.

Section 59. Findings and Sentence:-

The findings of the Board shall state the reasons and the sentence. It shall be read out in camera.

Section 60. Penalties:-

The disciplinary penalties that may be imposed on Judges are:-

1) In respect of Judges of Court of Appeal and High Court:-
   a. reprimand.
   b. removal from office.

2) In respect of other Judges:-
   a. reprimand.
   b. deprivation from allowances and or promotion.
   c. removal from office.

Section 61. Report of the Board:-

1) The Chairman of the Board shall report the decision of the Board to the Chief Justice within two days from the date of announcement.
2) The Judge shall have the right to appeal against the decision of the Board within seven days from the date of announcement.

Section 62. Execution of Removal or Reprimand:-

1. Removal of a Judge from office shall be effective from the date of an order issued by the Chairman to that effect.
2. Reprimand shall be executed by notification, issued by the Chief Justice, to the Judge on the decision of the Board. The notification and the decision of the Board shall be kept in the file of the Judge.

Section 63. Termination of Disciplinary Proceedings:-

Disciplinary proceedings against any Judge shall be terminated with the acceptance of the resignation of the Judge or his attainment of the age of retirement or death.

Section 64. Effect of Disciplinary Action:-

Disciplinary action shall not prejudice any civil or criminal proceedings arising out of the same fact or facts.

Chapter Nine

Trial Of Judges

Section 65. Immunity of Judges:-

Save where he is found in the act of committing a crime, a Judge shall not be arrested or detained nor shall any investigation proceedings be taken or criminal proceedings instituted against him except with the permission of the Chief Justice.

Section 66. Arrest While Committing a Crime:-

When a Judge is arrested or detained after being caught committing a crime, the matter shall be submitted to the Chief Justice within 48 hours for decision.

Section 67. Suspension of Judge during Investigation:-

1) The Chief Justice may order the suspension of a Judge from duty during the proceedings, investigation or trial, for any offence alleged to had been committed by him.
2) The Chief Justice may reconsider the order of suspension before or after trial.

Section 68. Pay and Suspension:-

1) The suspension of the Judge under section 67 above does not automatically deprive the Judge of his pay or any part thereof during the period of suspension unless the Chief Justice had clearly indicated that in the order of suspension.
2) The Chief Justice may reconsider the order of deprivation of pay or any part thereof before or after trial.

Chapter Ten

Retirement, Removal And Resignation

Section 69. Retirement for Old Age:-

A Judge shall retire, and nobody shall be appointed as a Judge, after attainment of 65 years of age, but in case of necessity, the service of the Judge may be extended by the Chairman for one year, provided that the total period of extensions does not exceed five years. The additional period shall be part of the pensionable service.

Section 70. Retirement for Health Reasons:-

Whenever it is clear that a Judge can not, for health reasons, perform his duties satisfactorily, the Chairman shall, on the recommendation of the Council, issue an order retiring the Judge. The Council shall convey the order to the Judge and shall be considered retired from the date of conveyance of the order to him.

Section 71. Resignation of Judges:-

1) Resignation of Judges shall be addressed to the Chairman:-
    a) from the Chief Justice and his deputies.
    b) from the Judges of the Court of Appeal and High Courts, through the Council.
    c) from the County and Payam Courts Judges, through the Chief Justice.

2) A Judge shall be considered to have resigned from the date of the order issued by the Chairman accepting his resignation.

Section 72. Pensions of Judges:-

1) A Judge shall be entitled for pension after twelve years service, and shall be entitled for gratuity if his period of service is less than that.

2) Except where otherwise provided for under this Act, public service laws on pensions and gratuities shall apply to the pensions and gratuities of Judges.

Section 73. Removal and Retirement of Judges:-

Without prejudice to the provisions of this Act:-

1) a Judge may be removed at any time by the Chairman on the recommendation of the Council for public interest.
2) a Judge may be retired at any time by the Chairman on the recommendation of the Council for health reasons or old age.
3) removal or retirement of a Judge under subsections (1) and (2) of this section does not deprive the Judge of his right of pension or gratuity.

Chapter Eleven

Miscellaneous

Section 74. Delegation of Powers:-

The Chief Justice may delegate to his deputy or a Judge of Court of Appeal or Director of Courts Administration, any of the powers vested upon him under this Act.

Section 75. President of Court of Appeal:-

The Chief Justice shall be the President of the Court of Appeal and his Deputy the Vice President.

Section 76. Judicial Circulars:-

The Chief Justice shall whenever necessary, from time to time issue Judicial circulars to the Courts.

Section 77. Courts Leave:-

Courts shall have annual leave and shall be prescribed and regulated by regulations.

Chapter Twelve
Courts Administration

Section 78. Establishment and Constitution:-

There shall be established a courts administration under the office of the Chief Justice and its Director shall be appointed by an order issued by the Chief Justice after consultation with the Council.

Section 79. Functions and Duties:-

The Courts administration shall:-

1) supervise the administrative, clerical and accountancy work in the Courts and preparation of directives, orders and circulars for regulation of work for efficient and effective performance.

2) preparation of appointments, promotions, transfers and annual increments of the officials of the Courts and inspection of their work, investigate into complaints against or from them on proceedings that may be taken against them.

3) construction and maintenance of Courts buildings, hire of buildings, purchase of Courts requirements such as equipment, furniture and stationery.

4) any other functions and duties the Chief Justice may delegate or authorize.

Section 80. Terms of Service:-

Regulations shall prescribe the terms of service and discipline of officials and employees of the Courts.

Section 81. Regulations:-

The Chief Justice may with the consent of the council issue regulations for efficient and effective implementation of the provisions of this Act and achievement of higher level of performance in the Courts.

Given under my hand this_____ day of _____ year 2003 AD

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Dr. John Garang de Mabior

Chairman

SPLM / CANS