ACTS
SUPPLEMENT No. 1 **10th February, 2009.**

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to The Southern Sudan Gazette No. 1 Volume I dated 10th February, 2009.

Printed by Ministry Legal Affairs and Constitutional Development, by Order of the Government.

LAWS OF SOUTHERN SUDAN

THE PUBLIC PREMISES EVICTION ACT, 2006

ARRANGEMENT OF SECTIONS

CHAPTER I
PRELIMINARY PROVISIONS

1. Title and Commencement.
2. Purpose.
3. Authority and Application.

CHAPTER II
INTERPRETATIONS

4. Interpretations.

CHAPTER III
PROCEDURES FOR THE REACQUISITION OF PUBLIC PREMISES

5. Request to Reacquire Possession of Public Premises.
6. Notice to Vacate.
7. Power to Evict.
8. Appeal.

CHAPTER IV
MISCELLANEOUS PROVISIONS

9. Authority to Delegate.
10. Regulations.

LAWS OF SOUTHERN SUDAN

THE PUBLIC PREMISES EVICTION ACT, 2006

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and Commencement.

This Act may be cited as "The Public Premises Eviction Act, 2006" and shall come into force on the date of its signature by the President.

Signed on 15th November, 2006

2. Purpose.

The purpose of this Act is to grant the Government the power and authority necessary to respond effectively and expeditiously to the need for premises by the Government.

3. Authority and Application.

This Act is drafted under the powers granted to the Government of Southern Sudan under Schedule (B) of the Interim Constitution of Southern Sudan and shall be applicable to public premises in Southern Sudan.

CHAPTER II

INTERPRETATIONS

4. Interpretations.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively—

"Concerned Authority" means any Ministry of the Government of Southern Sudan, State Government of Southern Sudan, Local Council, any public institution or corporation established under Southern Sudan Law;

"Government" means the Government of Southern Sudan (GoSS), State and Local Governments;

"**Minister**" means the Minister of Legal Affairs and Constitutional Development;

"Ministry" means the Ministry of Legal Affairs and Constitutional Development;

"Occupant" means any person or persons who have control or possession of particular public premises;

"President" means the President of Government of Southern Sudan (GoSS);

"Public premises" means any premises, real property or building which is owned, leased or hired by the Government, including public institutions and corporations established under Southern Sudan Laws;

"Under Secretary" means the Under Secretary of the Ministry.

CHAPTER III

PROCEDURES FOR THE REACQUISITION OF PUBLIC PREMISES

5. Request to Reacquire Possession of Public Premises.

(1) When a Concerned Authority determines it is in the best interest of the public or for other legal reasons, that the possession and control of certain public premises should be reacquired by the Government, the Authority Concerned shall submit to the Minister, a written request to reacquire possession of the public premises.

(2) The written request to reacquire possession of public premises shall specifically identify the public premises subject of the request, the occupants of such premises, if known, and the reason(s) supporting the reacquisition of the public premises.

6. Notice to Vacate.

(1) If it appears to the Minister that there are just and reasonable grounds for pursuing the repossession, either in the public interest or for other legal reasons, the Minister shall issue a written Notice to Vacate to the occupants of the public premises.

(2) The written Notice to Vacate shall establish a specific time period pursuant to which the occupants must vacate the premises and/or relinquish control.

7. Power to Evict.

(1) If the period to vacate as set forth in the Notice to Vacate expires, and the occupants of the public premises remain in occupation and/or control, the Minister shall exercise his or her power to evict the occupants of the public premises.

(2) The Minister shall order the police to effect the eviction, and the police shall use such force as is necessary to remove the occupants.

8. Appeal.

Any party aggrieved by the Decision of the Minister may appeal to a competent Court.

CHAPTER IV

MISCELLANEOUS PROVISIONS

9. Authority to Delegate.

The Minister may delegate all or any part of the powers granted to him or her by this Act, including the power to evict, to the Under Secretary and/or the heads of legal administration in the States.

10. Regulations.

The Minister shall promulgate such rules and regulations for carrying out the purposes of this Act; provided that such rules and regulations are consistent with this Act.