

MINISTRY OF JUSTICE ORGANIZATION ACT, 1983

Date: 9 August 1983

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MINISTRY OF JUSTICE ORGANIZATION ACT, 1983

In the name of Allah, the Most Gracious, the Most Merciful

Ministry of Justice Organization Act, 1983 (9/8/1983)

1. Name of the Act

1. This Act shall be called the **“Ministry of Justice Organization Act, 1983.”**

2. Repeal and Savings

1. The Attorney-General Act, 1981, is hereby repealed with effect from the date of commencement of this Act, provided that all regulations, orders, appointments and procedures which were made, completed, commenced or taken under the repealed Act shall remain in force as if they had been made or taken under this Act until they are repealed or amended in accordance with its provisions.
2. The Salaries of Legal Officers in the Attorney-General’s Chamber Act, 1972, is hereby repealed.

3. Interpretation

Unless the context otherwise requires, in this Act:

1. **“State organs”** means the ministries, departments and other administrative units of the State, as well as public authorities, institutions and bodies and the federal, state and local organs of government, and public-sector companies.
2. **“Administration”** means any department of the Ministry established under the regulations.
3. **“Ministry”** means the Ministry of Justice.
4. **“Attorney-General”** means the person appointed by the President of the Republic, upon the recommendation of the Minister of Justice, to head one of the departments.

5. **“Legal Adviser”** includes the Undersecretary, the Attorney-General, the Senior Legal Adviser, the First, Second and Third Legal Advisers, the Legal Adviser and the Assistant Legal Adviser in the Ministry.
6. **“Undersecretary”** means the Undersecretary of the Ministry appointed under section 11.

4. Repealed

This section has been repealed.

5. Functions and Duties of the Minister of Justice

1. The Minister of Justice shall be the legal adviser of the State and shall, on its behalf, undertake all matters of a legal nature.
2. Without prejudice to the generality of subsection (1), and subject to the constitutional provisions, and in addition to any other functions assigned to the Minister of Justice by any law, the Minister shall have the following functions and duties:
 - (a) Seek to establish the principle of the rule of law and provide prompt justice within the legal system.
 - (b) Seek to improve performance in the legal profession and establish the sound foundations and traditions of the profession and maintain its systems and ethical standards.
 - (c) Seek to review and reform laws so that they best express the values of justice in Sudanese society and keep pace with developments in its life.
 - (d) Encourage legal research and studies and disseminate them.
 - (e) Draft bills and other legislative measures of the State.
 - (f) Supervise the conduct of criminal proceedings and the procedures for investigation therein, and conduct prosecution before criminal courts.
 - (g) Undertake or supervise the provision of legal services to such State organs as require them, including drafting and reviewing contracts, decisions and agreements, providing advice concerning any transaction or dispute involving those organs, and representing them before the authorities which determine civil cases.
 - (h) Give legal advice on matters arising between State organs and undertake arbitration in civil disputes between such organs.

- (i) Register transactions entrusted to him by law, authenticate documents and issue legal certificates.
 - (j) Provide legal services to the public in the form of legal opinions and assistance in litigation.
 - (k) Perform any other legal function assigned to him by the President of the Republic.
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6. Powers of the Minister of Justice

1. In relation to any matter concerning a dispute under his consideration, the Minister of Justice may summon any public official to give evidence or require him to provide any information or documents in his possession. The Minister of Justice shall have, in that regard, the power to compel attendance before the courts and the submission of information.

2. Notwithstanding the provisions of any other law:

(a) The Minister of Justice shall have jurisdiction to become aware of and investigate any offence and undertake prosecution in respect thereof. He shall, in that regard, have all the powers provided for in any law regulating investigation, particularly the Criminal Procedure Act, 1991, except for the powers provided for in sections 60 and 79(3) and (4) thereof.

Provided that the competent prosecutor may, on the basis of a complaint submitted by an aggrieved person concerning an infringement of his constitutional or legal rights, request the investigation diary and any documents connected with the matter and exercise his powers in accordance with the provisions of the Criminal Procedure Act, 1991.

(b) The Minister of Justice shall exercise the powers provided for in Chapter Two of Part Four, and the powers provided for in Subdivision Three of Chapter Two of Part Three, and the powers provided for in the First, Second, Third, Fourth and Fifth Chapters of Part Three of the Criminal Procedure Act, 1991.

(c) All persons vested with powers to conduct investigations at the time of commencement of this Act shall continue to exercise such powers in accordance with the Criminal Procedure Act, 1991, or any other law governing the exercise of those powers, subject to any decision subsequently issued by the Minister of Justice concerning their assumption or regulation of those powers.

3. The Minister of Justice shall have the power to authenticate documents accompanied by declarations made under oath and to administer oaths in accordance with the regulations.

4. The Minister of Justice may obtain legal expertise from outside the Ministry whenever he considers that necessary.
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7. Legal Opinion of the Minister of Justice

1. A legal opinion issued and signed by the Minister of Justice concerning civil disputes shall be binding upon the State organs concerned and may not be overridden except with the approval of the President of the Republic.
 2. A legal opinion concerning civil disputes issued by any legal adviser in the Ministry shall be binding upon State organs unless the Minister of Justice reviews it on his own initiative or upon an appeal submitted to him.
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8. Arbitration by the Minister of Justice

1. Where a legal dispute arises between two State organs, the Minister of Justice may, when the dispute is referred to him, direct that it be referred to arbitration in accordance with the regulations.
 2. The arbitration award issued by the arbitrators to whom the dispute is referred pursuant to subsection (1) shall be binding upon the parties to the dispute. It may be appealed to the Minister of Justice, whose decision shall be binding and final.
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9. Appearance and Pleading before Courts

1. The Minister of Justice and persons represented by legal advisers shall have the right to appear and plead before all courts.
 2. Representatives of the Minister of Justice, when appearing before the courts, shall comply with the professional ethics contained in the Legal Profession Act, 1983, and shall maintain proper appearance and conduct appropriate to their profession.
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10. Repealed

This section has been repealed.

11. The Undersecretary

1. There shall be an Undersecretary of the Ministry appointed by the President of the Republic upon the recommendation of the Minister of Justice.
2. Upon appointment, the Undersecretary shall take the following oath before the President of the Republic:

“I swear by Almighty Allah that I shall respect the Constitution and the law, observe the requirements of justice, perform my duties faithfully and sincerely, and not disclose any secrets relating to the performance of my duties within the limits of those duties.”

12. Functions of the Undersecretary

1. The Undersecretary shall assist the Minister of Justice in the performance of his duties and shall supervise the various departments of the Ministry and ensure the proper conduct of work therein.
 2. The Undersecretary shall perform the duties of the Minister of Justice and exercise his powers in his absence.
 3. The Undersecretary shall be responsible to the Minister of Justice for everything assigned to him as part of his duties.
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13. Appointment of Legal Advisers

1. Legal advisers in the Ministry shall be appointed by:
 - (a) promotion or selection; or
 - (b) appointment, secondment or transfer from outside the Ministry.
 2. The Attorney-General and the Senior Legal Adviser shall be appointed by a decision of the President of the Republic upon the recommendation of the Minister of Justice.
 3. The First Legal Adviser shall be appointed by a decision of the Minister of Justice.
 4. All other legal advisers shall be appointed by a decision of the Undersecretary.
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14. General Conditions for Appointment to Legal Posts

A person appointed to the position of legal adviser must:

- (a) be a Sudanese citizen of full legal capacity;

(b) not be below the following ages when appointed:

1. **Assistant Legal Adviser:** 23 years;
2. **Legal Adviser, Second or Third Legal Adviser:** 25 years;
3. **First Legal Adviser:** 30 years;
4. **Senior Legal Adviser:** 35 years;
5. **Attorney-General:** 40 years;

(c) hold a degree in law from a university recognized in Sudan, without prejudice to any requirement provided for by any other law concerning appointment to legal posts;

(d) not have been convicted by a competent court or disciplinary council of an offence involving dishonour or breach of trust, even if a pardon has subsequently been granted; and

(e) be of good conduct and good reputation.

15. Conditions for Appointment of Public Legal Advisers

Subject to the provisions of sections 13 and 14, the appointment of Public Legal Advisers shall be made in the following manner:

(a) by selection from among Senior Legal Advisers whose legal experience is not less than twenty years;

(b) by appointment from outside the Ministry as follows:

1. From among legal advisers, judges of the Supreme Court or judges of the Court of Appeal who have not less than twenty years of legal experience;
 2. From among advocates who have not less than twenty years of legal experience;
 3. From among members of the teaching staff of law at one of the universities recognized in Sudan, provided that they have taught law for a period of not less than fifteen years.
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16. Conditions for Appointment of Senior Legal Advisers

Subject to the provisions of sections 13 and 14, the appointment of Senior Legal Advisers shall be made as follows:

(a) by promotion from the positions of First Legal Advisers, provided that their legal experience is not less than fifteen years;

(b) by appointment from outside the Ministry as follows:

1. From among Senior Legal Advisers or former judges of the Courts of Appeal, provided that their legal experience is not less than fifteen years;
 2. From among advocates whose legal experience is not less than fifteen years;
 3. From among members of the teaching staff of law at one of the universities recognized in Sudan, provided that they have taught law for not less than ten years.
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17. Conditions for Appointment of First Legal Advisers

Subject to the provisions of sections 13 and 14, First Legal Advisers shall be appointed as follows:

(a) by promotion from the positions of Second Legal Advisers, provided that their legal experience is not less than ten years;

(b) by appointment from outside the Ministry as follows:

1. From among First Legal Advisers or former judges of the High Court, provided that their legal experience is not less than ten years;
 2. From among advocates whose legal experience is not less than ten years;
 3. From among members of the teaching staff of law at one of the universities recognized in Sudan, provided that they have taught law for a period of not less than seven years.
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18. Conditions for Appointment of Second Legal Advisers

Subject to the provisions of sections 13 and 14, Second Legal Advisers shall be appointed as follows:

(a) by promotion from the positions of Third Legal Advisers, provided that their legal experience is not less than five years;

(b) by appointment from outside the Ministry as follows:

1. From among Second Legal Advisers or former part-time judges of the first degree, provided that their legal experience is not less than five years;

2. From among advocates whose legal experience is not less than five years;
 3. From among persons engaged in legal work whose status is recognized by a decision of the Council regulating the legal profession as equivalent to the work of legal advisers in the Ministry, provided that they have practiced such legal work for not less than seven consecutive years.
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19. Conditions for Appointment of Third Legal Advisers

Subject to the provisions of sections 13 and 14, Third Legal Advisers shall be appointed as follows:

(a) by promotion from the positions of Legal Advisers, provided that their legal experience is not less than three years;

(b) by appointment from outside the Ministry as follows:

1. From among Third Legal Advisers, part-time judges in the first, second or third degree, or former judicial assistants, provided that their legal experience is not less than three years;
 2. From among advocates whose legal experience is not less than three years;
 3. From among persons engaged in legal work whose status is recognized by a decision of the Council regulating the legal profession as equivalent to the work of legal advisers in the Ministry, provided that they have practiced such legal work for not less than five consecutive years.
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20. Conditions for Appointment of Legal Advisers

Subject to the provisions of sections 13 and 14, Legal Advisers shall be appointed as follows:

(a) by promotion from the positions of Assistant Legal Advisers;

(b) by appointment from outside the Ministry as follows:

1. From among Legal Advisers or part-time judges of the third degree, or former judicial assistants, provided that their legal experience is not less than one year;
2. From among advocates, provided that they have actually practiced the legal profession for a period of not less than two years;

3. From among persons engaged in legal work whose status is recognized by a decision of the Council regulating the legal profession as equivalent to the work of legal advisers in the Ministry, provided that they have practiced such work for not less than three consecutive years.
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21. Conditions for Appointment of Assistant Legal Advisers

1. Subject to the provisions of section 13(1)(a) and (b) and section 14, Assistant Legal Advisers shall be appointed by a decision of the Undersecretary in the manner prescribed by the regulations.
2. An Assistant Legal Adviser shall serve a probationary period of one year. The Undersecretary may:

(a) shorten the probationary period for the purpose of confirmation in service where the adviser possesses any of the following:

1. High academic qualifications;
2. A good and comparable previous service record;
3. Excellent performance;

(b) extend the probationary period if the adviser's performance is unsatisfactory;

(c) terminate the adviser's service during the probationary period if his suitability for work in the Ministry has not been established.

22. Salaries of Legal Advisers

1. The salaries and allowances of legal advisers shall be as set out in the Schedule annexed to this Act, and the President of the Republic may amend the Schedule.
 2. Notwithstanding anything inconsistent contained in any other law, a legal adviser shall not be deprived of the benefits of any higher post merely because that higher post is not vacant. In such circumstances, the adviser shall perform his ordinary duties and shall be granted the benefits of the higher post.
 3. The salaries, allowances and other benefits of legal advisers, as well as their pensions, shall be equivalent to those applicable to their counterparts in the judicial authority.
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23. Exceptional Appointment

1. Notwithstanding the provisions of sections 13 and 14:

(a) The President of the Republic may, upon the recommendation of the Minister of Justice, appoint a citizen in whom he has confidence and who has previously served in government service to any legal position in the Ministry for the practice of legal work.

(b) The President of the Republic shall determine the conditions of appointment.

(c) Legal advisers appointed under paragraph (a) shall not be entitled to promotion under subsection (1)(a) to a higher legal position.

2. Notwithstanding the provisions of sections 15, 16, 17, 18 and 19, the President of the Republic may, upon the recommendation of the Minister of Justice, appoint any legal adviser to any legal post without complying with the conditions prescribed in those sections.

24. No Challenge to Appointment Decisions

No challenge may be made against decisions concerning the appointment of legal advisers by any means of appeal or before any judicial authority.

25. Promotion of Legal Advisers

1. Promotion to the positions of Public Legal Advisers, Senior Legal Advisers, First Legal Advisers, Second Legal Advisers, Third Legal Advisers and Legal Advisers shall be made on the basis of competence, taking into consideration academic qualifications and seniority.

2. In assessing competence, regard shall be had to the nature and level of performance of the legal adviser, in addition to his regularity in his work and his management of his subordinates.

26. Seniority of Legal Advisers

1. The seniority of legal advisers shall be determined according to the date of their appointment. Where two or more legal advisers are appointed or promoted on the same date, seniority shall be determined according to the order of appointment or promotion specified in the relevant decision.

2. In the case of legal advisers appointed from outside the Ministry, their seniority shall be determined in the decision appointing them. Where the decision does not specify this, their seniority shall be calculated from the date of that decision.
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27. Assignment of Legal Advisers

The Minister of Justice may assign any legal adviser to provide legal services to any State organ, as provided for in section 5(2).

28. Secondment of Legal Advisers

1. A legal adviser may be seconded to undertake judicial or legal work for foreign governments, international organizations or sister and friendly countries, upon the recommendation of the Minister of Justice and by a decision issued by the President of the Republic.
 2. The period of secondment shall not exceed three consecutive years except by a decision of the President of the Republic issued upon the recommendation of the Minister of Justice.
 3. For the purposes of this section and section 26 of this Act, the period shall be considered continuous if its days are consecutive or if the interval separating them is less than three years.
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29. Transfer of Legal Advisers

A legal adviser may be transferred to a non-legal body with the approval of the Minister of Justice and the consent of the authority to which he is transferred, by a decision of the President of the Republic.

30. Conditions of Service of Legal Advisers

The public service laws shall apply to legal advisers in all matters for which this Act contains no specific provision.

31. Oath of Legal Advisers

Legal advisers shall, upon their appointment, take an oath in the same form prescribed in section 11(2) before the Minister of Justice.

32. Causes of Termination of Service

The service of a legal adviser shall terminate for any of the following reasons:

- (a)** retirement on account of age;
 - (b)** resignation; or
 - (c)** dismissal or retirement in the public interest.
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33. Retirement on Account of Age

A legal adviser shall be retired upon reaching the age of **sixty-five years**.

34. Retirement for Health Reasons

1. A legal adviser shall be retired if, after being referred to the Medical Commission, it is established that for health reasons he is unable to perform the duties of his position to the fullest extent.
 2. Every case falling under subsection (1) shall be submitted to the President of the Republic upon the recommendation of the Minister of Justice.
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35. Resignation

1. The resignation of Public Legal Advisers and Senior Legal Advisers shall be submitted to the President of the Republic upon the recommendation of the Minister of Justice.
 2. The resignation of all other legal advisers shall be submitted to the Minister of Justice.
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36. Dismissal or Retirement in the Public Interest

1. Notwithstanding anything contained in this Act, the President of the Republic may, upon the recommendation of the Minister of Justice, dismiss a legal adviser or retire him in the public interest.

2. Dismissal or retirement under subsection (1) shall not affect any entitlement of the legal adviser to a pension or gratuity.
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37. Date of Termination of Service of a Legal Adviser

The service of a legal adviser shall be considered terminated from the date of the decision retiring him pursuant to section 33 or section 34, or from the date his resignation is accepted pursuant to section 35, or from the date of his dismissal or retirement in the public interest pursuant to section 36.

38. Pensions of Legal Advisers

1. Subject to the other conditions prescribed in the Public Service Pensions Act, 1992, a legal adviser shall be entitled to a pension if his actual period of service has reached twelve years, and shall be entitled to a gratuity if his actual service is less than that period.
 2. In cases not specifically provided for in this Act, the provisions of the Public Service Pensions Act, 1992, concerning pensions and gratuities of legal advisers shall apply.
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39. Immunity of Legal Advisers in Criminal Proceedings

1. Except in cases where the offence is committed in flagrante delicto, no legal adviser may be arrested, nor may any investigation procedure be taken against him or a criminal case instituted against him, except with the permission of the Minister of Justice.
 2. In cases where the offence is committed in flagrante delicto, where a legal adviser is arrested, the matter shall immediately be reported to the Minister of Justice so that he may take whatever action he considers appropriate.
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40. Conditions of Service of Non-Legal Employees in the Ministry

The regulations shall prescribe the conditions of service of employees in the Ministry who are not legal advisers, provided that those conditions shall be equivalent to the conditions of service of their counterparts in the administration of courts within the judicial authority.

41. Power to Make Regulations

The Minister of Justice may make regulations for the implementation of the provisions of this Act, without prejudice to the generality of the Act.

The regulations may provide for the following matters:

- (a) the organizational structure of the Ministry and methods of legal and administrative work and their relationships;
- (b) establishment of departments in the Ministry, their formation and determination of their functions and systems of responsibility and supervision therein;
- (c) the conditions and procedures governing the appointment, promotion and training of legal advisers;
- (d) procedures governing the settlement of disputes between State organs and the issuance and review of legal opinions;
- (e) the limits and systems governing the provision of legal services to the public in matters of legal opinions.

SCHEDULE

See section 22(1)

1. Salaries and Allowances

The salaries and allowances of legal advisers shall be as follows:

Position	Basic Monthly Salary	Unified Monthly Allowance	Representation Allowance	Allowance for Recording and Writing Judgments	Special Allowance	Cost-of- Living Allowance
Undersecretary, Ministry of Justice	22,000	3,500	2,000	2,000	2,500	4,000
Attorney- General	15,000	950	1,350	1,600	1,500	3,000

Position	Basic Monthly Salary	Unified Monthly Allowance	Representation Allowance	Allowance for Recording and Writing Judgments	Special Allowance	Cost-of- Living Allowance
Senior Legal Adviser	13,360 / 13,000	850	1,250	1,500	900	1,810
First Legal Adviser	11,980 / 11,500	800	1,200	1,400	700	2,530
Second Legal Adviser	10,400 / 10,000	750	1,200	1,400	400	2,280
Third Legal Adviser	9,450 / 9,000	750	1,100	1,300	250	1,990
Legal Adviser	7,560 / 7,000	700	700	970	—	1,900
Assistant Legal Adviser	5,700 / 5,000	650	400	450	—	1,400

Note: The source text's table formatting is affected by OCR, so some figures appear in paired forms (for example, "13,360/13,000"). Those figures have been retained rather than silently selecting one.

2. Pension

For pension purposes, the **basic salary and unified allowance** shall be taken into account.

3. Leave

The provisions of the **Public Service Regulations, 1995**, shall apply to legal advisers in relation to leave, together with any other legislation locally applicable to leave matters.

4. Vehicles

A government vehicle shall be allocated for the exclusive use of each of the Undersecretary and Public Legal Advisers.

5. Exception

Government housing shall be provided free of charge, but this shall not include the cost of consumption of water and electricity.

6. Relocation Allowance

Legal advisers who are not provided with vehicles shall be granted a relocation allowance at the rates applicable in the public service.

7. Mileage Allowance

A legal adviser who uses his private vehicle for official duties shall be granted a mileage allowance of **100 dinars per month**.

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AMENDMENT AND REFERENCE NOTES

The source document contains the following amendment references and legislative notes:

1. Act No. 39 of 1996.
2. The same Act.
3. Act No. 11 of 1989; Act No. 40 of 1974.

4. Act No. 39 of 1996.
5. The same Act.
6. Act No. 39 of 1996; Temporary Decree No. 6 of 2003; Act No. 40 of 1974.
7. Act No. 39 of 1996; Temporary Decree No. 6 of 2003.
8. Act No. 39 of 1996.
9. The same Act.
10. Act No. 29 of 1985; Act No. 38 of 1986; Act No. 40 of 1974; Act No. 39 of 1996.
11. Act No. 39 of 1996.
12. Act No. 40 of 1974.
13. Act No. 40 of 1974; Act No. 29 of 1985; Act No. 39 of 1996.
14. Act No. 39 of 1996; Act No. 40 of 1974.
15. Act No. 39 of 1996.
16. Act No. 29 of 1985; Act No. 39 of 1996.
17. Act No. 40 of 1974; Act No. 39 of 1996.
18. Act No. 39 of 1996.
19. The same Act.
20. The same Act.
21. Act No. 39 of 1996.
22. The same Act.
23. Act No. 40 of 1974; Act No. 39 of 1996.
24. Act No. 40 of 1974.
25. Act No. 39 of 1996.
26. The same Act.
27. The same Act.
28. The same Act.
29. Act No. 39 of 1996; Temporary Decree No. 6 of 2003.

30. Act No. 39 of 1996.
31. Act No. 39 of 1996; Act No. 40 of 1974; Temporary Decree No. 6 of 2003.
32. Act No. 11 of 1989; Temporary Decree No. 6 of 2003.
33. Act No. 39 of 1996; Temporary Decree No. 6 of 2003.
34. Act No. 39 of 1996.
35. Act No. 39 of 1996.
36. Act No. 39 of 1996.
37. Act No. 39 of 1996; Temporary Decree No. 6 of 2003.
38. Act No. 11 of 1989; Act No. 40 of 1974; Act No. 39 of 1996; Temporary Decree No. 6 of 2003.
39. Act No. 11 of 1989; Temporary Decree No. 6 of 2003.
40. Act No. 39 of 1996; Temporary Decree No. 6 of 2003.
41. Act No. 40 of 1974.
42. Act No. 40 of 1974; Act No. 38 of 1986.
43. Act No. 40 of 1974; Act No. 39 of 1996.
44. Act No. 39 of 1996.
45. Temporary Decree No. 6 of 2003.
46. Act No. 11 of 1989; Act No. 39 of 1996.
47. Act No. 39 of 1996.
48. Act No. 40 of 1974; Act No. 39 of 1996.
49. The same two laws.
50. Act No. 40 of 1974; Act No. 39 of 1996.
51. The same two laws.
52. Act No. 59 of 1995.
53. Act No. 40 of 1974; Act No. 39 of 1996.
54. Act No. 40 of 1974; Act No. 39 of 1996; Temporary Decree No. 6 of 2003.

55. Act No. 39 of 1996.

56. Act No. 40 of 1974; Act No. 39 of 1991.

57. Act No. 40 of 1974.

58. Act No. 40 of 1974.

59. Act No. 39 of 1996.

60. The same Act.

61. The same Act.

62. Act No. 39 of 1996.

63. Act No. 40 of 1974.

Schedule Note

The Schedule is amended from time to time by a decision of the President of the Republic in accordance with the provisions of section 22(1).