

IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

Pensions Law for Non-Commissioned Officers and Soldiers of the People's Armed Forces of 1976

(Promulgated on June 4, 1976)

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FULL TEXT OF THE LAW

Chapter I: Preliminary Provisions

Section 1: Title of the Law

This Law may be cited as the "**Pensions Law for Non-Commissioned Officers and Soldiers of the People's Armed Forces of 1976**".

Section 2: Repeal and Savings

From the date this Law comes into force, the following shall be repealed:

- **(a)** The Pensions Law for Non-Commissioned Officers and Soldiers of the Armed Forces of 1966.
- **(b)** The Special Compensation Law for Soldiers of the Armed Forces of 1960.

Notwithstanding such repeal, all actions taken, rights accrued and acquired, and obligations incurred as a result of applying the provisions of the two aforementioned laws shall remain valid and effective.

Section 3: Interpretation

In this Law, unless the context otherwise requires:

- **"Soldier"**: includes all ranks from the rank of Private up to the rank of Assistant (Warrant Officer).
- **"Active Service"**: means the service specified in Section 6.
- **"Live Ammunition"**: means all types of firearm ammunition, rounds, shells, projectiles, explosives, mines of all types, and incendiary materials.
- **"Annual Salary"**: means the total amount entitled to the soldier per month according to the definition of salary, multiplied by twelve months.
- **"Martyr"**: means any soldier who is injured due to or during military operations or training and dies directly or after being moved from the site of injury, provided that the soldier shall not be considered a martyr if they die after recovering from said injury; it also means any soldier for whom the Commander-in-Chief issues a decision declaring them a martyr.

- **"Family"**: means a widow or widows, any child or children who are the offspring of a lawful marriage or lawful marriage contracts of a soldier who died during service or a retired soldier who died while on pension; it includes either or both parents, the lawful heirs of a deceased enlisted child, and the brother, brothers, sister, or sisters.
- **"Disability"**: means the loss of mental capacity, or physical or mental harm resulting from an accident or disease, as determined by the Medical Board in accordance with the provisions of this Law.
- **"Military Operations"**: means service in war or service in military operations during peacetime.
- **"Medical Board"**: means the Medical Board constituted pursuant to the laws applicable to the People's Armed Forces.
- **"Board"**: means the Board specified in Section 8.
- **"Period"**: means the period determined from time to time by the laws applicable to the People's Armed Forces.
- **"Recovery"**: means the discharge of the injured person from the hospital, the exhaustion of sick leave, and the convalescence period determined in accordance with the decision of the competent medical authorities.
- **"Salary"**: means the last approved salary paid by the Government to the soldier according to a specific scale or category, and includes the civil allowance, technical allowance, special allowance, and any other allowances added to salaries for pension purposes pursuant to an order issued by the Commander-in-Chief.
- **"Arithmetic Coefficient"**: means the figure that determines the percentage of the pension relative to the salary.
- **"Missing"**: means a soldier taken prisoner in war or a soldier lost in military operations.

Section 4: Application

The provisions of this Law shall apply to the pensions and gratuities of:

- **(a)** Soldiers who enlist or are registered in the People's Armed Forces after the effective date of this Law.
- **(b)** Soldiers who are in service on the effective date of this Law or whose service is reinstated after its effective date.

- **(c)** Enlisted children who are enlisted or will be enlisted in the People's Armed Forces after the effective date of this Law.
- **(d)** Families of the persons mentioned in paragraphs (a) through (c) inclusive.
- **(e)** Families of pensioners retired under the provisions of the Pensions Law for Non-Commissioned Officers and Soldiers of the Armed Forces of 1966 or the Sudan Defence Force Law of 1929, existing on the effective date of this Law.

Section 5: Termination of Service

1. The service of a soldier or an enlisted child shall terminate in the following manner:
 - **(a)** Expiration of their service contract.
 - **(b)** By decision of the Medical Board.
 - **(c)** Discharge for misconduct.
 - **(d)** Dismissal, removal, or expulsion.
 - **(e)** Reaching forty-eight years of age, or fifty-five years of age if the soldier is a technician; provided that the Director of Administration of the People's Armed Forces may retain the soldier in service after reaching the said age if the interest of the work requires doing so.
 - **(f)** Death.
2. In the event of a declaration of emergency or during wartime, the operation of paragraph (a) of subsection (1) may be suspended; in exceptional prescribed cases, a soldier may also be retained in service after reaching the age specified in paragraph (e) of subsection (1) for any additional period.
3. The soldier's age recorded in their service record shall be considered conclusive evidence of their age and may not be amended.

Section 6: Active Service

Subject to the provisions of Section 7, the period of service considered as active service for pension or gratuity purposes to which the soldier is entitled shall be:

- **(a)** The period allowed to be counted to determine their discharge date from the date of their last enlistment.
- **(b)** The period allowed to be counted under a previous enlistment, provided that the inclusion of such previous service was approved at the time of re-enlistment, in

accordance with the rules prescribed in the financial regulations, provided that the gratuity granted for the previous period under the provisions of this Law or any law in force at the time of discharge is refunded.

- **(c)** The Commander-in-Chief or their delegate may, in deserving cases at their sole discretion, permit the addition of the soldier's previous period that was not allowed to be added at the time of re-enlistment when calculating their pension or gratuity, provided that the soldier has refunded the previous gratuity or it is deducted from the current gratuity due, in accordance with the rules prescribed in the financial regulations.

Section 7: Periods Added to Active Service for Pension or Gratuity Purposes

1. For pension or gratuity purposes, periods shall be added to active service as follows:
 - **(a)** The period or periods served by the soldier in time of war, as determined by the President of the Republic by a decision issued for the purposes of this paragraph, provided that the Commander-in-Chief shall specify the soldiers who had service in time of war for the same purposes.
 - **(b)** The additional period or periods spent by the soldier in captivity, provided their innocence is proven or they are deemed deceased in accordance with the laws applicable to the People's Armed Forces.
 - **(c)** An additional period equal to half the period served by paratroopers, commando (Sa'iqa) personnel, aircrews, frogmen, and submarine crews, according to their service and actual practice shown in official records in their respective fields of work.
 - **(d)** An additional period equal to one-quarter of the period served by technical soldiers whose nature of work requires regular performance aboard aircraft, according to their service and actual practice shown in official records in their respective fields of work.
 - **(e)** An additional period equal to one-quarter of the period served by technical soldiers whose nature of work requires exposure to harmful radiation, according to their service and actual practice shown in official records in their respective fields of work.
 - **(f)** An additional period equal to one-third of the period served by the soldier after 21 years in the Armed Forces, provided they are not among those who have other periods added.

- **(g)** The period of civil service previously served by individuals prior to their absorption into the Armed Forces according to the ratio of the arithmetic coefficient, provided contributions are paid.
 - **(h)** Any period served voluntarily by the soldier after the expiration of their official service period by a decision of the Commander-in-Chief.
 - **(i)** Any other periods determined by the Board.
 - **(j)** Half the period served by individuals working on naval vessels, according to their service and actual practice at sea shown in official records in their respective fields of work.
2. It is not permissible to combine two additional periods for a single active service under the provisions of subsection (1), and the additional period that is longer shall be calculated, provided that the additional period specified in subsection (1) shall have no effect on the service contract, but shall be taken into account when calculating the pension or gratuity.

Chapter II: Pensions Board for Non-Commissioned Officers and Soldiers of the People's Armed Forces

Section 8: The Board

For the purposes of this Law, the Officers' Pensions Board of the People's Armed Forces established pursuant to the provisions of Section 5 of the Officers' Pensions Law of the People's Armed Forces of 1976 shall act as the Pensions Board for Non-Commissioned Officers and Soldiers of the People's Armed Forces.

Chapter III: Pensions and Gratuities

Section 9: Basis for Calculating Pensions and Gratuities

The amount of every pension or gratuity shall be calculated on the basis of:

- **(a)** Amount of salary.
- **(b)** Length of pensionable service.
- **(c)** If the soldier's service is less than 15 years, a gratuity shall be settled in accordance with the provisions of Section 13.
- **(d)** If the length of the soldier's service is 15 years or more, a pension shall be entitled in accordance with the provisions of Section 16.

- **(e)** Pensions of retired non-commissioned officers and soldiers shall be re-settled according to any adjustments made to active service salaries of non-commissioned officers and soldiers of the same rank, effective from the date of issuance of this Law, adhering to the following progression:
 - **First:** Non-commissioned officers and soldiers who completed 15 years to less than 21 years of pensionable service in the People's Armed Forces shall have their pensions re-settled by increasing their pensions by 60% of any increase occurring in the salaries of non-commissioned officers and soldiers of the same rank in active service.
 - **Second:** Non-commissioned officers and soldiers who completed 21 years to less than 25 years of pensionable service in the Armed Forces shall have their pensions re-settled by increasing their pensions by 75% of any increase occurring in the salary of non-commissioned officers and soldiers of the same rank in active service.
 - **Third:** Non-commissioned officers and soldiers who completed 25 years to less than 29 years of pensionable service in the People's Armed Forces shall have their pensions re-settled by increasing their pensions by 90% of any increase occurring in the salary of non-commissioned officers and soldiers of the same rank in active service.
 - **Fourth:** Non-commissioned officers and soldiers who completed 29 years to less than 30 years of pensionable service in the People's Armed Forces shall have their pensions re-settled by increasing their pensions by 100% of any increase occurring in the salary of non-commissioned officers and soldiers of the same rank in active service.

Section 10: Payment of Pensions

Pensions shall be paid monthly after determining the monthly installment and determining the share of any person entitled to a share in that installment. Fractions of a piastre in that installment shall be rounded up to a full piastre.

Section 11: Payment of Gratuities

Payment of gratuities may be made in a single lump sum or in installments as decided by the Commander-in-Chief or any commander authorized by the Commander-in-Chief, as the circumstances of the case under consideration may require.

Section 12: Types of Pensions and Gratuities

The types of pensions and gratuities granted to soldiers and their families are:

- **(a)** The gratuity payable upon expiration of the service contract of a soldier who is not entitled to a pension.
- **(b)** Pensions and gratuities granted to children based on a Medical Board decision for reasons arising from service or otherwise.
- **(c)** Pensions and gratuities granted to soldiers based on a Medical Board decision for reasons not arising from service.
- **(d)** Ordinary pension or gratuity granted upon termination of a soldier's service after 15 years.
- **(e)** Special pension or gratuity granted in case of injury arising from service in military operations or otherwise.
- **(f)** Pensions and gratuities granted based on a Medical Board decision for reasons not arising from service.
- **(g)** Compensation granted to injured soldiers with injuries arising from service that do not prevent them from continuing work.
- **(h)** Special family pension granted in case of a soldier's death arising from and during service in military operations or otherwise, or special family pension granted in case of the death of a retired soldier on pension.
- **(i)** Special family pension granted in case of a missing soldier.
- **(j)** Gratuity granted to the family in case of a soldier's death during service for a cause not arising from service.
- **(k)** Martyrdom gratuity.
- **(l)** Exceptional pensions and gratuities.

Chapter IV: Entitlements and Conditions for Gratuities

Section 13: Gratuity Upon Termination of Service Contract for Soldiers Not Entitled to a Pension

A soldier who serves less than 15 years of pensionable service and is discharged for any reason other than medical unfitness or misconduct shall be entitled to a gratuity calculated on the basis of their service length according to the following:

- **(a)** For the first three years, a gratuity equal to 3 months' salary for each year of pensionable service.
- **(b)** For the second three years, if completing six years of pensionable service, a gratuity equal to 4 months' salary for each year of pensionable service. In case of failure to complete six years, a gratuity shall be granted under paragraph (a).
- **(c)** After the end of the sixth year, if completing nine or more years of pensionable service, a gratuity equal to 6 months' salary for each year spent in service. In case of failure to complete the mentioned period, a gratuity shall be granted under paragraph (b).
- **(d)** Gratuities shall be calculated based on the last monthly salary received by the soldier at the date of discharge.

Section 14: Pensions and Gratuities Entitled to Soldiers Upon Termination of Service Based on Medical Board Decision for Reasons Not Arising From Service

1. A soldier discharged based on a Medical Board decision due to disease or disability not arising from military service, and not resulting from willful misconduct or gross negligence, shall be entitled to a pension or gratuity calculated on the basis of service length according to the following rules:
 - **(a)** If service is less than six years, a gratuity shall be granted equal to 3 months' salary for each year of service, calculated on the basis of the last monthly salary received by the soldier at discharge.
 - **(b)** If service is more than six years and less than twelve years, a gratuity shall be granted equal to 4 months' salary for each year of service, calculated on the basis of the last monthly salary received by the soldier at discharge.
 - **(c)** If service length is twelve years or more, a pension shall be granted, settled on the basis of the arithmetic coefficient specified in Section 16, in addition to the grant specified in Section 16(d).
2. If service terminates due to disease or disability arising, in the opinion of the Commander-in-Chief, from willful misconduct or gross negligence, the non-commissioned officer or soldier may be deprived of up to 50% of the pension or gratuity to which they would have been entitled had the willful misconduct or gross negligence not been attributed to them.

Section 15: Pensions and Gratuities Entitled to Enlisted Children Upon Discharge Based on Medical Board Decision

1. An enlisted child discharged based on a Medical Board decision shall be entitled to a gratuity settled as follows:
 - **(a)** If the injury arose from service and was not due to willful misconduct or gross negligence, the enlisted child shall be entitled to a special pension equal to 3/4 of their salary at the time of injury.
 - **(b)** If the injury or disease did not arise from service, or resulted from willful misconduct or gross negligence, they shall be entitled to a gratuity of 50 Dinars.
2. If the enlisted child is discharged due to disease or harm arising, in the opinion of their general commander, from misconduct, willful misconduct, or gross negligence, supported by a decision from the Medical Board, the commander shall have the choice between granting the child a gratuity under subsection (1)(b) or depriving them of all or part of the gratuity they would have been entitled to had the misconduct or gross negligence not been attributed to them.
3. If the child dies during and as a result of service, their heirs shall be entitled to a gratuity of 1,000 Dinars.
4. If the child dies during service from a cause not arising from service, their heirs shall be entitled to the gratuity the deceased child could have been entitled to under subsection (1)(b) had they remained alive.

Chapter V: Settlement of Ordinary Pension

Section 16: Settlement of Ordinary Pension

Subject to Section 7, any non-commissioned officer or soldier whose pensionable service reaches 15 years or more and is discharged to end their service contract shall be entitled to a monthly pension calculated as follows:

- **(a)** If pensionable service reaches 15 to 18 years, the pension shall be settled according to the following formula:

$$\text{Pension} = \frac{1}{528} \times \text{Number of Service Months} \times \text{Last Monthly Salary}$$

- **(b)** If service reaches 18 to 21 years, a pension equal to 3/4 of the last monthly salary shall be granted.
- **(c)** If service reaches 18 [21] years or more, a pension equal to 4/5 of the last monthly salary shall be granted.

- **(d)** In addition to the pension due, the non-commissioned officer or soldier shall be granted an urgent financial grant equal to 6 months' salary paid in a single lump sum without any deductions.

Section 17: Special Pension

Any soldier who suffers a disability resulting from an accident or disease arising from and during service, and the Medical Board decides that they are medically unfit to continue in military service, shall be entitled to a special pension regardless of age and length of service, provided that the disease or accident did not arise from willful misconduct or gross negligence on their part, taking into account the following provisions:

- **(a)** The soldier shall be referred to the Medical Board for examination as soon as possible in accordance with the laws applicable to the People's Armed Forces.
- **(b)** The soldier's commander shall present to the Medical Board a statement describing the disability state resulting from the disease, including any other information deemed relevant to the duties assigned to the soldier, expressing their opinion on whether the disease arose from service or from willful misconduct or gross negligence on the part of the soldier, so the Medical Board can issue the medical certificate in light of that opinion.
- **(c)** The Medical Board shall specify the degree of disability in the medical certificate, considering 100% equivalent to total disability, by comparing the condition of the injured soldier with a person of sound mind and body of equal age, regardless of the injured soldier's capacity to earn or any other factors or circumstances. If disability results from two or more injuries, the degree of disability shall be evaluated relative to combined injuries, provided it does not exceed 100%.
- **(d)** The soldier shall not be entitled to a pension under this Section on a final basis unless the Commander-in-Chief is satisfied, after the final medical examination, that the disability is permanent.
- **(e)** Except in cases of military operations, a board of inquiry shall be formed under the laws applicable to the People's Armed Forces immediately upon the occurrence of an accident or disease to determine whether the accident or disease that befell the soldier arose from and during service or resulted from willful misconduct or gross negligence on their part.

Section 18: Settlement of Special Pension in Case of Injury Due to Disease or Accident in Military Operations or Otherwise

Any soldier retired on pension due to medical unfitness resulting from disability arising from service and during service, under Section 17, shall be entitled to a special pension regardless of service length, settled from the date of retirement as follows:

- **(a) In case of injury arising from service in military operations:**
 - **First:** If the degree of disability is 100%, the soldier shall be granted a special pension equal to the maximum salary of the rank directly above their rank at retirement.
 - **Second:** If the degree of disability is less than 100%, the soldier shall be granted a special pension equal to the maximum salary of the rank held at retirement.
- **(b) In case of injury arising from service outside military operations:**
 - **First:** If the degree of disability is 100%, the soldier shall be granted a special pension equal to the maximum salary of the rank held at retirement.
 - **Second:** If the degree of disability is less than 100%, the soldier shall be granted a special pension equal to 4/5 of the salary received at retirement.
- **(c)** If the Board considers in exceptional cases that the special pension provided for in paragraph (a) or (b) is not suitable, it may, considering all circumstances, grant a higher pension it deems suitable.

Section 19: Compensation for Injured Soldiers with Service-Incurred Injuries

1. Any non-commissioned officer or soldier injured with a disability arising from service or during service that does not prevent them from continuing work shall be entitled to compensation settled as follows:
 - **(a)** If the injury arose from service in military operations, compensation shall be granted calculated on the basis of 10% of the last annual salary for each degree of disability.
 - **(b)** If the injury arose from service outside military operations, compensation shall be granted calculated on the basis of 10% of the last annual salary for each degree of disability, provided compensation does not exceed one year's salary.
2. Any non-commissioned officer or soldier injured with a disability arising from service and during service that prevents them from continuing work shall be entitled, in addition to the pension specified in Section 18, to compensation settled under paragraphs (a) and (b) of subsection (1).
3. Compensations due under subsection (1) shall be paid during the soldier's service.

Chapter VI: Grants, Pensions, and Gratuities Entitled to the Family of a Deceased Soldier During Service, the Martyr, and the Missing

Section 20: The Family

The provisions of the chapters relating to family in the Officers' Pensions Law of the People's Armed Forces of 1976 shall apply to members of the soldier's family to the extent applicable regarding distribution, forfeiture of shares, and other matters relating to family.

Section 21: Amount of Pension

The special family pension amount shall be settled on the basis of the entire pension or part thereof that would have been entitled to the soldier who died during and due to service, being in whole or in part:

- **(a)** The pension the deceased soldier could have been entitled to receive had they been retired on pension prior to death;
- **(b)** The pension the retired soldier was receiving at the date of death;
- **(c)** Any pension provided for in this Law, excluding paragraphs (a) and (b).

Section 22: Settlement of Special Family Pension If the Soldier Dies During Service

1. Subject to Section 20, if a soldier dies during service from a service-incurred cause outside military operations, their family shall be entitled to a special pension equal to the pension the soldier would have received under Section 18(b)(First) at the date of death.
2. Subject to Section 20, if a soldier dies during service from a cause not arising from service, their family shall be entitled to a pension equal to half the salary received at the date of death, in addition to the financial gratuity specified in Section 13(c).

Section 23: Pensions for Martyr and Missing Soldiers

Subject to Section 21, the family of a martyred or missing soldier shall be entitled to a pension settled on the following bases:

- **(a)** The martyred or missing non-commissioned officer or soldier shall be exceptionally promoted by two ranks above their rank from the date of loss or martyrdom.
- **(b)** The pension due to the family of the martyred or missing soldier shall equal the maximum salary of the rank to which the soldier was exceptionally promoted.

Section 24: Grant for the Family of a Martyr or Missing Soldier

1. The family of a martyred soldier shall be granted a grant equal to 3 months' salary calculated on the basis of the salary received at the date of martyrdom, paid in a single lump sum in addition to their pension entitlement in case of martyrdom.
2. The family of a missing soldier shall be granted a grant paid monthly based on their monthly salary for six months from the date of loss, unless the missing soldier appears before that period.

Section 25: Pension Entitled to the Family of a Missing Soldier

1. The family of a missing soldier shall be paid a temporary monthly pension equal to their net monthly salary throughout captivity or loss. If a full year elapses from the date of loss without official proof of death or alive status, the Commander-in-Chief, upon the Board's recommendation and as an exception to general rules, may issue a decision declaring missing soldiers as martyrs from the date of loss.
2. A permanent pension shall be paid to the family of a missing soldier whose death is established, as follows:
 - **(a)** If the loss arose from service, the pension shall be settled under Section 18(a)(First).
 - **(b)** If the loss arose from military operations or the soldier was declared a martyr, the pension shall be settled under Sections 23 and 24.
 - **(c)** In all cases, the pension shall be due from the date of loss, and all frozen amounts shall be paid to the family.
 - **(d)** If any member of the soldier's family dies before settlement, their share shall be paid to their lawful heirs through competent judicial authorities.
3. If it is proven that the missing soldier is still alive, pension payments to the family shall cease, and their status shall be settled according to the findings of the investigation conducted under laws applicable to the People's Armed Forces.

Section 26: Martyrdom Gratuity

The family of a martyr shall be paid a martyrdom gratuity according to the categories set forth in the Schedule attached to this Law.

Section 27: Disposal of the Grant and Martyrdom Gratuity

If no person is entitled to a pension share in the family of a missing or martyred soldier, the grant specified in Section 24 and the martyrdom gratuity specified in Section 26 shall be distributed to their lawful heirs.

Section 28: Honorary, Temporary, and Acting Ranks

For the purposes of Sections 23 through 27 inclusive, honorary ranks, temporary ranks, and acting ranks shall be considered substantive ranks.

Section 29: Exceptional Pensions and Gratuities

1. Notwithstanding any contrary provision in this Law, the Board may, in specific individual cases and for special reasons, grant any soldier or family member(s) after death an exceptional pension, an exceptional gratuity, or both, under conditions and amounts deemed fit.
2. The Commander-in-Chief may grant any non-commissioned officer or soldier, upon earning the Long Service and Good Conduct Medal, a gratuity as follows:
 - **(a)** 6 months' salary in a single lump sum without deductions from the date of entitlement to said medal.
 - **(b)** 6 months' salary in a single lump sum without deductions after serving three additional active years following entitlement to said medal.
 - **(c)** 6 months' salary without deductions after serving six active years from entitlement to said medal.
 - **(d)** 2 months' salary without deductions for each subsequent active service year after serving twenty-four active service years.
3. If any person not subject to this Law works within the war effort in a military operations zone and dies as a result, the Commander-in-Chief may recommend:
 - **(a)** Recommending an exceptional pension to competent authorities if the person was employed in civil service under the Public Service Pensions Law of 1992, and in addition, the Commander-in-Chief may grant a financial gratuity to the family as deemed appropriate.
 - **(b)** Granting a financial gratuity to the family as deemed appropriate if the person was not employed in civil service.

Chapter VII: General Provisions

Section 30: Pension Contribution, Commutation, and Date of Entitlement

1. 2% shall be deducted monthly from the salary of every soldier holding the rank of Corporal or higher. If the soldier is not entitled to a pension, these deductions shall be refunded upon leaving service.

2. The Director of Financial Affairs Branch may, upon request of a retired soldier, commute up to one-third of the pension due under this Law under the same conditions specified in Section 59 of the Officers' Pensions Law of the People's Armed Forces of 1976, provided commutation occurs once within a period not exceeding one year from retirement.
3. The pension entitlement date shall be the first day of the month following the month in which the soldier retires. In case of death of a retired pensioner, entitlement starts on the first day of the month following the month in which the soldier dies.

Section 31: Method of Pension Payment

1. The Director of Financial Affairs Branch shall pay pensions in equal monthly installments or longer deferred intervals, as decided by the Commander-in-Chief upon request of the retired soldier.
2. No advance payment of pensions shall be permitted under any circumstances.

Section 32: Transfer of Pensions and Gratuities to Third Parties and Deductions Therefrom

1. No deduction from, or transfer of, any pension or gratuity to a third party shall be permitted, nor shall legal execution procedures be taken against either.
2. Notwithstanding subsection (1), the Commander-in-Chief may make monthly deductions not exceeding one-quarter of total monthly pension or one-quarter of gratuity for:
 - **(a)** Settlement of debts owed by the soldier to the Government.
 - **(b)** Payment of alimony, family maintenance, or any other family support ordered by a court of competent jurisdiction.

Section 33: Refund of Amounts Received Without Right

Any amount paid to any person not entitled to it under this Law or regulations issued hereunder shall be deemed received without right and constitutes a debt owed by the recipient. Payment by an authorized official shall not confer any right to said amount.

Section 34: Forfeiture of Pension or Gratuity

1. A non-commissioned officer or soldier may only be deprived of up to half of their pension or gratuity, by decision of a competent military court and approval of the Commander-in-Chief.

2. If a non-commissioned officer or soldier is deemed a rebel or commits high treason, they or their heirs may be deprived of pension or gratuity by decision of the Commander-in-Chief after necessary investigation, unless the Commander grants all or part thereof.
3. A retired soldier on pension who commits high treason shall forfeit their pension or gratuity (and that of their heirs) by decision of the Commander-in-Chief after necessary investigation.

Section 35: Application

The Commander-in-Chief may, by order, apply to non-commissioned officers and soldiers any new provisions introduced under the Public Service Pensions Law of 1992 whenever those provisions are more favorable.

Section 36: Re-enlistment of Pensioners

1. Upon re-enlistment of a former soldier receiving a pension, the following shall be observed:
 - **(a)** A soldier who completed 15 years to less than 18 years of previous pensionable service shall have their pension re-settled under this Law provided they serve six consecutive years from re-enlistment.
 - **(b)** A soldier who completed 18 or more years of previous pensionable service shall have their pension re-settled under this Law provided they serve three consecutive years from re-enlistment.
 - **(c)** The pension received prior to re-enlistment shall be suspended immediately upon re-enlistment.
 - **(d)** Any gratuity or commuted pension previously received shall be refunded within a period not exceeding the period required for pension re-settlement.
 - **(e)** If the soldier fails to complete the period specified in paragraphs (a) or (b), the pension shall not be re-settled, and they shall only be entitled to a gratuity for the new period.
2. Notwithstanding the above, the period condition shall be waived in the event of death or martyrdom.

Section 37: Exemption From Income Tax

Notwithstanding any provision in other laws, every soldier who completes 15 active service years shall be exempt from income tax.

Section 38: Issuance of Regulations

The Board may issue regulations necessary for the implementation of the provisions of this Law.

SCHEDULE

(See Section 26)

Rank	Gratuity
Assistant (Warrant Officer)	50 Sudanese Dinars
Sergeant Major and Sergeant	40 Sudanese Dinars
Other Ranks	25 Sudanese Dinars
Conscripts / Draftees	10 Sudanese Dinars

FOOTNOTES & AMENDMENTS LIST

1. Act No. 61 of 1977, Act No. 91 of 1977.
2. Act No. 61 of 1977.
3. Act No. 61 of 1977, Act No. 91 of 1977, Act No. 40 of 1980.
4. Act No. 61 of 1977, Act No. 91 of 1977.
5. Act No. 61 of 1977, Act No. 91 of 1977.
6. Act No. 61 of 1977.
7. Act No. 61 of 1977.
8. Act No. 61 of 1977.
9. Same Act, Act No. 40 of 1980.
10. Act No. 61 of 1977, Act No. 40 of 1980.
11. Same Act.
12. Act No. 61 of 1977.
13. Act No. 61 of 1977, Act No. 91 of 1977.
14. Act No. 61 of 1977.
15. Same Act.
16. Act No. 996 of 1994.

17. Act No. 61 of 1977, Act No. 996 of 1994.
18. Act No. 91 of 1977.
19. Act No. 91 of 1977, Act No. 79 of 1994, Act No. 170 of 1994.
20. Act No. 61 of 1977.
21. Act No. 91 of 1977.
22. Act No. 91 of 1977, Act No. 55 of 1977.
23. Same Acts.
24. Act No. 40 of 1980.