

1956

[15.7.1948]

SUB-TITLE 5: STATUS

THE DEFINITION OF "SUDANESE" ORDINANCE.

An ordinance to define Sudanese.

1. This ordinance may be cited as the Definition of "Sudanese" Ordinance and shall come into force on publication in the Gazette.

2. Save where the context otherwise requires wherever the expression "Sudanese" occurs in any ordinance or other enactment whether made before or after the date of this ordinance it shall have the meaning given to it in this ordinance.

3. "Sudanese" means:—
 (a) Every person of no nationality who, at the coming into force of this ordinance, is domiciled in the Sudan, and

(i) has been so domiciled since 31st December, 1897, or else whose ancestors in the direct male line since that date have all been so domiciled, provided that in any case of illegitimacy the female shall be substituted for the corresponding male ancestor; or

(ii) is the wife of a person who complies with paragraph (i) hereof; or
 (iii) is the widow of a person who would have complied with paragraph (i) hereof if this ordinance had come into force immediately before his death.

(b) Every person to whom the status of Sudanese shall have been granted under section 4 of this ordinance.

(c) Every child born after the coming into force of this ordinance who is either the legitimate child of a male or the illegitimate child of a female Sudanese.

(d) Every woman having either no nationality or one that is not retained on marriage, who marries a Sudanese.

EXPLANATION (DOMICILED).

Every person must be domiciled in one and may not be domiciled in more than one country.

Any person of full age becomes domiciled in a country by living in it with the intention of making a permanent home there. (Domicil of choice.)

Title and commencement

Interpretation.

Definition of Sudanese. Sudanese by Domicil.

Sudanese by Grant.

Sudanese by Birth.

Sudanese by Marriage.

At birth a person is domiciled in the same country as his or her father, or in the case of an illegitimate person, in the same country as his or her mother. (Domicil of origin.)

During minority the domicil of a child alters with that of the father or with that of the mother if the father be dead or the child illegitimate.

On attaining full age a person retains his or her last domicil.

A woman upon marriage acquires the domicil of her husband.

On abandoning one domicil of choice without acquiring another a person reverts to his or her domicil of origin.

ILLUSTRATIONS OF SUDANESE BY DOMICIL.

NOTE.—In all these illustrations A is a person of no nationality domiciled in the Sudan at the coming into force of this ordinance.

(a) A was born before 31.12.1897 and has been domiciled in the Sudan ever since. A is Sudanese.

(b) A was born after 31.12.1897. A's father was domiciled in the Sudan at the beginning of the Mahdia during which he took refuge in Egypt with the intention of returning to the Sudan, thus retaining his Sudan domicil. At some date after 31.12.1897 he returned to the Sudan where he lived until his death. A is Sudanese.

(c) A's father who was born in 1910 has always been domiciled in the Sudan. His father (A's paternal grandfather) was domiciled in the Sudan from 31.12.1897 until his death. A is Sudanese.

(d) A's father who was born in 1910 has always been domiciled in the Sudan. He was illegitimate and his mother (A's paternal grandmother) was domiciled in the Sudan from 31.12.1897 until her death. A is Sudanese.

4. (1) The Minister of the Interior may by grant confer the status of Sudanese upon any applicant who,

(a) is domiciled, and for the ten years immediately preceding the application has been resident in the Sudan and is of no nationality; or

(b) being a woman permanently resident in the Sudan is either widowed, divorced or living permanently apart from her husband and but for her marriage would be Sudanese; or

(c) is the child either of a person who complies with paragraph (b) hereof or of a dead person who would have so complied if this ordinance had come into force immediately before her death, provided that in either case such child if a minor is living with its mother or its mother's family or if of full age is domiciled in the Sudan.

Provided that in each case the applicant is of good character and has an adequate knowledge of Arabic, or other language in common use in the Sudan.

(2) A grant to any person under sub-section (1) hereof may include any child or children under the age of 18 of such person, but shall not include either the children (if any) above that age or the spouse of that person.

(3) Such grant shall be at the discretion of the Minister of the Interior.

5. (1) (a) Any Sudanese shall cease to be such upon voluntarily acquiring some nationality whether by marriage, naturalisation or otherwise.

Persons
ceasing to be
Sudanese.

(b) A Sudanese by grant ceasing to be domiciled in the Sudan shall thereupon cease to be Sudanese.

(c) A Sudanese by birth, whose father at the time of such birth was not or during the minority of such person ceased to be, domiciled in the Sudan, shall cease to be Sudanese unless, within a reasonable time after attaining full age such person shall acquire a Sudanese domicil.

(2) The Minister of the Interior may cancel the grant to any Sudanese by grant upon being satisfied that it has been obtained by any fraud, misstatement or concealment of fact, or that since the grant the holder has been guilty of such serious misconduct that the continuance of the grant is not conducive to the public good.

6. The Minister of the Interior shall appoint a Board of three members of whom at least two shall be Sudanese, to advise him in the exercise of his powers under sections 4 and 5.

Advisory
Board.

7. The Minister of the Interior may make regulations to be published in the Gazette for the carrying out of the objects of this ordinance. In particular such regulations may provide for the procedure upon application for a grant under section 4 and the form of grant, and fees.

Regulations.

THE DEFINITION OF "SUDANESE" REGULATIONS. [15.3.1949

In exercise of the powers conferred on him by section 7 of the Definition of "Sudanese" Ordinance, the Civil Secretary hereby makes the following regulations:—

1. These regulations may be cited as the Definition of "Sudanese" Regulations and shall come into force on publication in the Gazette.

Title and
commencement

Sup. or Ceded by LRO
1937

Procedure upon application for grant of status of Sudanese.

2. An applicant for a grant of the status of Sudanese shall apply in writing to the Minister of the Interior through the District Commissioner of the District in which the applicant normally resides.

Form of Grant.

3. If upon the advice of the Advisory Board set up under section 6 of the Definition of "Sudanese" Ordinance 1948 the Minister of the Interior in the exercise of his discretion grants the application, he shall issue to the applicant a certificate of grant in the form set out in the schedule.

Fee.

4. The fee for a grant shall be 50 piastres, payable on application.

THE SCHEDULE.

"By virtue of the authority vested in me by section 4 of the Definition of "Sudanese" Ordinance, I hereby grant and confer the status of Sudanese upon

.....
and.....his Child being
her Children under

eighteen years of age at this date."

TITLE II: PUBLIC OFFICERS

SUB-TITLE 1: SALARIES

THE OFFICIALS SALARIES ORDINANCE. [1.10.190

An ordinance for regulating the taking in execution of the salaries and pay of Government officials.

1. This ordinance may be cited as the Officials Salaries Short title. Ordinance.

2. Subject as hereinafter provided, the pay, salary, allowances and other sums due to any Government official or employee in his capacity as such from the Government or any Department thereof cannot be assigned or charged by such official or employee and shall not be attached by any Court or otherwise taken in execution whether at the time of such assignment, charge, attachment or execution any sums are then due and owing to such official or employee or not.

3. Notwithstanding section 2 hereof, the pay, salary, allowances or other sums as aforesaid due to any Government official or employee may be set off against any debts incurred by such official or employee to the Government and a deduction of not more than one-quarter of the total pay or salary may be made to pay maintenance, alimony or other family allowances ordered to be paid by a Court of competent authority. Exceptions: to Government debts and family allowances.

4. Notwithstanding section 2 hereof, in the event of any Government official or employee being adjudicated bankrupt, the Court or the person administering the bankrupt's estate shall receive for distribution among the creditors so much of the bankrupt's pay or salary as the Court with the consent of the chief officer of the Department under which the pay or salary is enjoyed may order. Before making any such order, the Court shall communicate with the chief officer of the Department as to the amount, time and manner of the payment to itself or to such person as aforesaid and shall obtain the written consent of the Bankruptcy.