

**REPUBLIC OF SOUTH SUDAN
LAWS OF SOUTH SUDAN**



CIVIL REGISTRY ACT, 2018

**LAWS OF SOUTH SUDAN
CIVIL REGISTRY ACT, 2018
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**LAWS OF SOUTH SUDAN
CIVIL REGISTRY ACT, 2018**

In accordance with the Provisions of Article 55(3) (b), 110 (n) and 85(1) of the Transitional Constitution of the Republic of South Sudan, 2011, (Amended 2015) the National Legislative Assembly with the assent of the President of the Republic of South Sudan, Hereby enacts the Following:

**CHAPTER I
PRELIMINARY PROVISIONS**

1. Title and Commencement

This Act may be cited as “Civil Registry Act, 2018” and shall come into force on the date of its signature by the President.

*Signed
on
20th Sept.
2018*

2. Repeal and Saving

Any legislation governing the subject of this Act is hereby repealed; provided that all proceedings, orders and regulations taken or made under the repealed legislation, except to the extent cancelled by or otherwise inconsistent with this Act, shall remain in full force and effect until such time as they shall be lawfully repealed or amended.

3. Purpose

The Purpose of this Act is to record and regulate essential facts about South Sudanese and residents so as to create legal documents for use in establishment and protection of civil rights of individuals by creating a data source for compilation of essential statistics.

4. Authority and Application

- (1) This Act is drafted in accordance with the provisions of the Article 52 and Schedule (A) paragraphs 39, 47 and 49 of the Transitional Constitution of the Republic of South Sudan, 2011(Amended 2015) which gives the National Government legislative and executive powers over coordination of services and establishment of minimum national standards and uniform norms in respect of matters or services referred to in Schedules A, B, C and D of the Constitution.
- (2) The provisions of this Act, shall apply to citizens and residents throughout South Sudan.
- (3) Notwithstanding the provisions of sub-section (2) of this Section, the States may legislate in matters related to registration of birth, death, marriage and divorce.

5. Interpretations

In this Act, unless the context otherwise requires:

- “Alien Personal Number”** means Civil Registry Number granted to an alien residing in South Sudan;
- “Certificate”** means any document issued to proof instance of marriage, divorce, birth or death;
- “Child”** means a person below eighteen years of age;
- “Civil Registry”** means a registry in which facts related to civil matters are recorded based on sequence of documents of such facts in the registry;
- “Civil Record”** means registration of civil matters such

- as birth, death, marriage, divorce and any matter incidental to birth, death, marriage, and divorce recorded in the Civil Registry;
- “Council”** means an advisory council for Civil Registry established under Section 14 of this Act;
- “Director”** means the Director of directorate of Nationality, Passports and Immigration.
- “Fact”** means any civil event related to birth, marriage, divorce or death and incidental matters related to birth, marriage, divorce or death;
- “Head of Office”** means police officer responsible for carrying out registration in a state in accordance with provisions of this Act;
- “Head of Family”** means:
- (a) husband, in case of one wife or more;
 - (b) father, in case of unmarried children;
 - (c) mother, in case of unmarried children of dead father;
 - (d) elder brother, in case of his unmarried brothers and sisters after death of both parents;
 - (e) elder sister, in case of her unmarried brothers and sisters after death of both parents;
 - (f) A person appointed by the court, in case of minors;

- “Identification Documents”** means birth certificate, death certificate, marriage certificate, divorce certificate or national identity card;
- “Information”** means any written document issued by Health authorities or delegated person in accordance with provisions of Sections 29 or 32 related to instance of birth or death;
- “Inspector General”** means inspector general of police service;
- “Minister”** means Minister of Interior;
- “Officer”** means police officer responsible for Civil Registry at county level;
- “Organised Forces”** means armed forces, national security, police, prisons, wild life and fire brigade and any other force established by law;
- “Permanent Residence”** means a normal place of residence of a person, including the place where a person normally returns after every temporary residence outside such place;
- “Personal Number”** means the Civil Registry number granted to any citizen at birth or granted to a citizen upon registration in the Civil Registry;
- “President”** means the President of the Republic of South Sudan; and
- “Registry”** means any registry in which Civil Registry facts are recorded based on the documents presented.

**CHAPTER II
ESTABLISHMENT,
OBJECTIVES AND FUNCTIONS OF CIVIL REGISTRY**

6. Establishment of Civil Registry

- (1) A data source known as Civil Registry to be headed by Director is hereby established.
- (2) The Civil Registry shall be part and partial of Directorate of Nationality, Passports and Immigration.
- (3) The Civil Registry shall establish offices at the National, State and County levels.

7. Objectives of Civil Registry

The objectives of the Civil Registry shall be:

- (1) Guarantee rights of individuals with regard to nationality, ownership, political participation, employment, elections, nomination and any other rights established by law;
- (2) Establishment of central data about work, movement and Activities of human being and connect such data with relevant national and state institutions;
- (3) Provision of relevant national institutions with statistical data for use in economic, political, social, military and other planning at national, state and county levels; and
- (4) Provision of relevant institutions with data about social activity, migration and immigration in the society and any other related data.

8. Functions of Civil Registry

The Civil Registry shall perform the following functions:

- (1) Receiving applications and registration of every South Sudanese;
- (2) Registration of every alien resident in South Sudan;
- (3) Preparation and designing of forms, registries, identity cards related to Civil Registry;
- (4) Registration of civil facts in registries and Civil Registry;
- (5) Issuance of identification cards, Confirmation of marriage and divorce certificates;
- (6) Confirmation of birth and death certificates; and
- (7) Coordination of information between public institutions for utilization and realization of the objectives of Civil Registry.

9. Functions of the Director

- (1) The Director shall perform the following Functions:
 - (a) daily administration of the Civil Registry;
 - (b) supervision of State and County Civil Registry offices;
 - (c) proposal of plans, programmes and policies related to Civil Registry;
 - (d) preparation of budget proposal for the financial year;
 - (e) organisation and coordination, in consultation with the Director, of technical, financial and human resources between the Civil Registry offices at national, state and county levels;

- (f) solicitation of technical aid with approval of the Director in the field of apparatus, equipment, samples, training in any other field; and
 - (g) any assignment by the Director.
- (2) The Director may delegate some of his or her functions to any staff member or committee formed by him or her based on such terms deem appropriate.

10. Establishment of State Offices

The Minister, in coordination with the Governor, shall issue an order establishing a Civil Registry office in State.

11. Function of Head Office

The Head of Office shall exercise the following functions:

- (1) General supervision over staff under him or her;
- (2) In consultation with the Director, sets bases for organisation and promotion of Civil Registry operations in the State;
- (3) Establishment and connection of the state database with the headquarters, county offices and relevant national institutions in the State, provided that the data is about work, movement and Activities of human being; and
- (4) Any other function assigned by the Director.

12. Functions of Officer

The officer at the county level shall perform function of Civil Registry at County level.

13. Petitions Against Decisions

- (1) Objection by petition against decision of the Director shall be made by application to the Minister within forty five days from the date the decision was pronounced in the presence of the petitioner or from the date the petitioner was served with the copy of such decision and the decision of the Minister shall be final.
- (2) Objection by petition against decision of Head of Office in the State shall be made by application to the Director within forty five days from the date the petitioner was served with the copy of such decision.
- (3) Objection by petition against decision of the officer responsible for Civil Registry in the county shall be made by application to the Head of Office in the State and within forty five days from the date the decision was pronounced in the presence of the petitioner or from the date the petitioner was served with copy of such decision.
- (4) Notwithstanding the provisions (1), (2) and (3) of this Section, petition by objection may be accepted in case justifiable reasons are raised and accepted for forwarding such petitions after forty five days.

**CHAPTER III
ADVISORY COUNCIL AND CIVIL REGISTRY
COMMITTEES**

14. Advisory Council

The Minister shall, by order, form an Advisory Civil Registry Council under the chair of the Inspector General and members representing the Judiciary, Ministry of Justice, National Ministry

of Health, National Ministry of Gender, Child and Social Welfare, Ministry of Foreign Affairs, Ministry of Federal Affairs, National Ministry of Finance and Economic Planning, National Bureau of Statistics and Director as Secretary of the Council.

15. Functions of the Advisory Council

The Advisory Council shall perform the following functions:

- (1) Advising on programmes and provision of opinion related to Civil Registry;
- (2) Proposing means for overcoming difficulties hindering Civil Registry;
- (3) Advising the Minister on general policy related to Civil Registry;
- (4) Assisting the Director or any committee in any matter related to Civil Registry;
- (5) Setting of internal rules related to its meetings; and
- (6) Any other function assigned by the Minister.

CHAPTER IV REGISTRY

16. Registry of Facts

- (1) Every officer at the county level shall establish registry for recording marriage, divorce, birth and death based on the supporting document presented to him or her.
- (2) Every South Sudanese consul abroad shall establish registry for recording marriage, divorce, birth and death based on the supporting document presented to him and her.

17. Model of Registry and Document

Any model, form, content of certificate or registry prepared under this Act shall be used only for the purpose of registration in the Civil Registry.

18. Recording in Civil Registry

- (1) Only what has been legally obtained can be registered in Civil Registry.
- (2) No additional words shall be made on the margin of any registry, certificate or document.
- (3) Dates shall be written both in figures and alphabets.
- (4) Only direct head of the Civil Registry office shall enter facts or amend any record in the Civil Registry related to an employer of the Civil Registry or family member of such employee and in case of the direct head, such facts or amendment shall be made by the next senior official of the Civil Registry.

19. Transfer of the Registry

Notwithstanding the provisions of any other applicable law, no registry shall be transferred from its location or submitted to any public attorney or perused by any person for any reason, save in case of necessity the court or public attorney may peruse such registry at its location.

20. Custody of Registry

- (1) The Regulations shall specify how a registry has to be kept in safety, maintained and reproduced whenever sign of damage appears on such registry.

- (2) In case of partial or total damage of a registry but the original documents in such registry are safe such registry shall, by order of the Director, be renewed or recorded based on the original documents. In case the document loses its veracity a new registration shall be established by a committee formed by order of the Inspector General in which the powers and functions of the committee shall be prescribed.

21. Acquisition of Data and Information by Public Institutions

Every ministry, state, county, public corporation and institutions shall have the right to acquire data or information from Civil Registry for purposes of development planning and any other related matters.

22. Acquisition of Documents

- (1) Any person with lawful interest may request the person responsible for Civil Registry in his or her area to provide him or her with a copy of Civil

Registry related to such person or any member of family of such person after payment of the prescribed fees.

- (2) When necessary, the Minister may exempt any person or category of persons from payment of the prescribed fees.

23. Civil Registry as Conclusive Proof

Any record in the Registry shall be considered as conclusive proof, unless it is proved to the contrary to be void or forged.

CHAPTER V
REGISTRATION OF BIRTH,
DEATH, MARRIAGE AND DIVORCE

24. Procedures for the Registration of Birth

- (1) Every health institution or other health entity, in which birth occurs, shall send copy of birth notification to the person responsible for Civil Registry in the area within forty five days from the date of the birth.
- (2) Every person or entity designated in accordance with provisions of Section 27 of this Act, shall receive information related to birth which occurs within his, her or its area from persons without regular medical services and such information shall be prepared on prescribed form copy of which shall be sent to the person responsible for Civil Registry in that area as prescribed in the Regulations.
- (3) Every person designated to report fact related to birth shall notify the person responsible for Civil Registry in the area of any birth that occurs in his or her area within forty five days from the date of occurrence of such birth; provided that, when necessary, the Minister may by order extend the period in some areas.
- (4) The person responsible for Civil Registry in the area shall, after receipt of information related to birth from the designated person or entity and verification of such information, register the information in the registry of facts related to birth and other registries as prescribed in the Regulations.
- (5) In the case the period of birth has not exceeded one year, the registration shall be made only after investigation by the

person responsible for Civil Registry in the area, but in case the period has exceeded more than one year, the registration shall be made only upon decision of the competent Civil Registry committee stated in Section 15 of this Act.

25. Designated Persons to Report Birth

The Following are the persons designated to report on occurrence of birth:

- (1) Medical doctors under whose attendance the birth occurs.
- (2) Clinical officers under whose attendance the birth occurs.
- (3) Midwife under whose attendance the birth occurs.
- (4) Traditional birth attendants under whose attendance the birth occurs.
- (5) Father of the child if present at the time of birth.
- (6) Mother of the child personally report or report in writing;
- (7) The person in whose house the birth occurs.

26. Receipt of Report from Places without Regular Medical Services

The Officer, in consultation with the Head of Office, may designate any person or official or local entity to receive information of facts related to marriage, divorce, birth and death from any place in which regular medical services is unavailable and such information shall be prepared as prescribed in the Regulations.

27. Report of Birth in Particular Circumstances

- (1) If birth occurs on any South Sudanese steamer, ship and/or airplane the master or the Pilot of such steamer, ship and/or

airplane shall make a written report of such birth and send a copy of such report to the Director within thirty days of the occurrence.

- (2) Every Director responsible for orphanage shall notify the person responsible for Civil Registry in the area about a child whose parents are unknown within a period of seven days from the date he or she received the child at the orphanage.

28. Procedures for Registration of Death

- (1) Every health institution or other health entity, in which death occurs, shall send copy of death notification to the person responsible for Civil Registry in the area within forty five days from the date of the death.
- (2) Every person or entity designated in accordance with provisions of Section 27 and 30 of this Act, shall receive information related to death which occurs within his, her or its area from persons without regular medical services and such information shall be prepared on prescribed form copy of which shall be sent to the person responsible for Civil Registry in that area as prescribed in the Regulations.
- (3) Every person designated to report fact related to death shall notify the person responsible for Civil Registry in the area of any death that occurs in his or her area within forty five days from the date of occurrence of such death provided that, when necessary, the Minister may by order extend the period in some areas.
- (4) The person responsible for Civil Registry in the area shall, after receipt of information related to death from the designated person or entity and verification of such information, register the information in the registry of facts

related to death and other registries as prescribed in the Regulations.

- (5) In case the period of death has not exceeded one year, the registration shall be made only after investigation by the person responsible for Civil Registry in the area, but in case the period has exceeded more than one year, the registration shall be made only upon decision of the competent Civil Registry committee stated in Section 15 of this Act.

29. Designated Persons to Report Death

The following are the persons designated to report on occurrence of death:

- (1) Owner or manager responsible for a place where death occurred if such place is factory, workshop, hotel, institute or any other place.
- (2) Any of the parents of the deceased, husband in case of wife or wife in case of husband or any mature child in the family in case of death among siblings or step brothers and sisters who have lost their parents.
- (3) Any mature relative of the deceased present at the time of death.
- (4) Any mature person living with the deceased in the house at the time of death.
- (5) Any police officer in charge or traditional leader in whose area the death occurred.

30. Report of Death in Particular Circumstances

- (1) If death occurs on any South Sudan steamer, ship and/or airplane the master or the pilot of such steamer, ship and or

airplane shall make a written report of such death and send copy of the report to the Director within forty five days from the date of occurrence of such death.

- (2) Commander or every unit of the organised forces shall make a written report about occurrence of death among soldiers or civilians under his or her command who died in Action inside South Sudan and send report to the Director after completion of the mission in which death occurred.
- (3) Any authority for execution of those condemned to death by a competent authority shall send copy of the execution to the person responsible for Civil Registry in the area in which the execution took place.

31. Procedures for Registration of Marriage and Divorce

- (1) Every competent authority responsible for issuance of marriage certificate or divorce order shall send a copy of such certificate or order to the person responsible for Civil Registry in the area in which the marriage or divorce took place thirty days from the date of such marriage or divorce.
- (2) The husband or wife, divorcee informs the person responsible for Civil Registry in the area in which the marriage or divorce took place by presenting the marriage certificate or divorce order for the endorsement within forty five days from the date of marriage or when divorce took place.
- (3) Upon receipt of marriage certificate or divorce order, the person responsible for Civil Registry in the area shall endorse such certificate or order and record the information in the registry of facts and other registries related to the marriage or divorce as prescribed in the Regulations.

- (4) Notwithstanding the provisions of sub-section (2) of this Section, the person responsible for Civil Registry in the area in which the marriage or divorce took place shall, after investigation, register information related to such marriage or divorce as prescribed in the Regulations.

32. Process for Registration of Civil Facts Abroad

- (1) Every fact that happens to a South Sudanese in a foreign country shall be considered to be correct if such fact satisfies the prescribed procedures in accordance with the provisions of law of that country, provided that; the fact is not in contradiction with any applicable law of South Sudan and the Head of the Family has provided the South Sudan consul or the consul representing the interests of South Sudan in that country with supporting documents within the prescribed period in Sections 26, 29 and 31 of this Act, for Registration.
- (2) In case there is no South Sudan consul or consul representing the interests of South Sudan in the country in which the fact happened, the Head of the family shall, within thirty days from the date of occurrence of such fact, send by registered letter of an attested copy of the document related to the fact to the Director.
- (3) In case of the periods stated in sub-section (1) of this Section expires without registration of the fact that occurred abroad, such registration can only be done upon decision of the concerned Civil Registry committee.

CHAPTER VI
NATIONAL IDENTITY CARD,
PERSONAL NUMBER AND RESIDENT PERMIT

33. National Identity Card and Personal Number

- (1) Every person of at least eighteen years shall be eligible to obtain National Identity Card bearing his or her Personal Number from the Civil Registry office within the area of his or her residence after payment of the prescribed fees.
- (2) The Personal Number granted in accordance with provisions of sub-section (1) of this Section, shall be considered an official identification of the holder to be recognised by any authority.
- (3) No person shall be employed in public sector, private sector or mixed sector unless he or she is in possession of valid National Identity Card bearing his or her Personal Number.
- (4) Every holder of national identity card shall produce it when required by a competent authority and in case the card is taken from the holder by such competent authority in accordance with the law he or she shall be provided with supporting document to this effect.
- (5) In case of loss of national identity card, the holder shall notify the nearest police station within forty eight hours of such loss.
- (6) In case of damage or expiry of the national identity card, the holder shall submit an application to the competent authority or renewal of such card after payment of the prescribed fees.
- (7) A person shall have only one national identity card bearing his or her Personal Number.

- (8) The Regulations shall determine the form, particulars, period of validity, fees and rules for issuance, replacement or renewal of national identity card.

34. Alien Registration

Every alien residing in South Sudan shall provide all particulars related to him or her and all the dependents residing with him or her in South Sudan to the Civil Registry in his or her area of residence.

CHAPTER VII MISCELLANEOUS PROVISIONS

35. Financial Sources

The financial sources of Civil Registry shall be as follows:

- (1) Allocation from the Government budget;
- (2) Gifts, grants and donations accepted by the Minister; and
- (3) Any other lawful sources approved by the Minister.

36. Correction of Record

- (1) Unless based on final judgment by competent court no correction or amendment shall be made in the record of Civil Registry or any registry of facts.
- (2) Notwithstanding the provisions of sub-section (1) of this Section, correction, addition and deletion of errors in form related to particulars may be made in Civil Registry or any registry of facts based on supporting documents and investigations without necessity for judicial judgment.
- (3) Civil Registry shall be a party to all suits related to correction of records.

37. Summons

The Director, head of office, officer or whoever may be delegated by any of the foregoing may summon any person to appear before him or her and make statement on oath or forward any document related to civil facts before him or her.

38. Transitional Provisions

Upon coming in to effect of this Act, every head of family shall, within area of his or her permanent residence, register himself or herself and all members of his or her family with the Civil Registry in his or her area of residence.

39. Regulations

The Minister shall make the necessary Regulations for implementation of the provisions of this Act and such Regulations may include the following:

- (1) Types of registries, forms and documents to be used for the purpose of Civil Registry.
- (2) Terms of employment of Civil Registry employees after its approval by the council of ministers on the recommendation of Ministers responsible for finance and labour.
- (3) Coordination among different levels of Civil Registry and between Civil Registry and other public institutions.
- (4) Determination of fees after consultation with minister responsible for finance.
- (5) Inspection and verification of registries.



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