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Citations:

Bluebook 20th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (3).

ALWD 6th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (3).

APA 6th ed.

Peaslee, A. (3). *Constitutions of Nations*. The Hague, M. Nijhoff.

Chicago 7th ed.

Peaslee Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, M. Nijhoff.

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Amos J.; Xydis Peaslee, Dorothy Peaslee, *Constitutions of Nations* (The Hague: M. Nijhoff., 3)

MLA 8th ed.

Peaslee, Amos J., and Dorothy Peaslee Xydis. *Constitutions of Nations*. The Hague, M. Nijhoff. HeinOnline.

OSCOLA 4th ed.

Peaslee, Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, M. Nijhoff.

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Armed Forces.¹ It is composed of 54 members elected by the Province Councils and 18 appointed by the President.² It meets in two ordinary sessions a year and its term is two years.³ Ministers are members of the Council.⁴ Certain expenditures are excepted from vote by the Council.⁵ Freedom of speech in the Council and parliamentary immunity is provided.⁶

EXECUTIVE DEPARTMENT

The Supreme Council for the Armed Forces, composed of the President and seven members, is the supreme executive organ. There is a Council of Ministers. The President is also the Prime Minister.

JUDICIARLY DEPARTMENT

The judiciary is responsible to the Supreme Council of the Armed Forces. There is a High Court of Justice.

AREA, POPULATION, ETC.

The area is 967,500 square miles, the population (1962 estimate) is 12,470,000. The capital is Khartoum. The Central Council Act provides that proceedings shall be conducted in Arabic "without prejudice to such use of the English language as may be convenient."⁷

¹ Central Council Act, Art. 3.

³ Id., Art. 12, 13.

⁷ Id., Art. 16.

² Id., Art. 4.

⁵ Id., Art. 30.

⁶ Id., Art. 17.

⁴ Id., Art. 20.

CONSTITUTIONAL ORDER NO. 1¹

November 18, 1958

In exercise of the powers conferred upon the Supreme Council for the Armed Forces by the Order of its President dated 17th November, 1958, the Council in its meeting on 18th November, 1958 has passed the following Constitutional Orders:

1. The Sudan is a Democratic Republic and the sovereignty is vested in the People, and in the name of the People all legislation is issued.
2. The Supreme Constitutional Authority in the Sudan is the Supreme Council for the Armed Forces.
3. The Council delegates all its legislative, judicial and executive powers and the command of the Armed Forces to its President.

CENTRAL COUNCIL ACT²

November 13, 1962

An Act to provide for the creation of a National Central Council and vesting it with legislative powers in accordance with the provisions of this Act.

In exercise of the powers conferred on him by Constitutional Order No. 1, the President of the Supreme Council for the Armed Forces hereby makes the following Act:

1. This Act may be cited as the Central Council Act, 1962 and shall come into force upon approval and signature by the President of the Supreme Council for the Armed Forces.

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

- (1) The Council: means the Central Council constituted under this Act.
- (2) The President: The President of the Supreme Council for the Armed Forces.
- (3) Year: means the Gregorian year.
- (4) Court of Law: Includes every Civil, Criminal, Sharia Court, or Court

¹ Supplied by the Greek Embassy, Khartoum. See footnote 1, page 845.

² 1962 Act No. 29, supplied by the Ministry of Foreign Affairs, Khartoum.

Martial established by law in the Sudan, and every person or body of persons exercising judicial functions by virtue of any Act.

(5) Province Council: means the Council constituted under the Provincial Administration Act, 1960.

CHAPTER I

LEGISLATURE

3. There shall be constituted a Central Council and such Council and the President of the Supreme Council for the Armed Forces shall together constitute the Legislature for the Sudan.

4. The Council shall be composed of seventy two-members, other than the Ministers, of whom fifty-four to be elected by the Province Councils and eighteen to be appointed by the President.

5. A member of the Council shall be a Sudanese who is not less than 30 years of age.

6. Every member of the Council shall, before taking his seat, take an oath or make a declaration in the form set out in the Schedule hereto, before the Speaker, and, in the case of the Speaker, before the members of the Council.

7. The following persons shall be disqualified from membership of the Council:

(a) Persons who hold an office of profit under the Government of the Sudan, other than an office declared by the Council not to disqualify its holder.

For the purposes of this section a person shall not be deemed to hold an office of profit under the Government of the Sudan by reason only that he is a Minister.

(b) Undischarged bankrupts or persons whose property is subject to a composition or arrangement with creditors.

(c) Persons who have within the past seven years been sentenced to a term of imprisonment for a period of not less than two years.

(d) Persons who have within the past seven years been convicted of bankrupt practice or any abetment thereof at any Parliamentary, Central Council, or Local Government election.

(e) Persons of unsound mind.

(f) Illiterates.

8. The seat of a member of the Council shall become vacant in any of the following events:

(a) Upon his death.

(b) If without leave of the Council he shall be absent from ten consecutive sittings of the Council.

(c) If he shall become subject to any of the disqualifications specified in the preceding section.

(d) If any other person is convicted of any corrupt practice carried out on his behalf or with his knowledge or connivance in respect of the election at which he was elected.

(e) If he shall give to the Speaker of the Council written notice of his resignation from membership.

9. (1) Whenever the seat of an elected member becomes vacant a fresh election shall be held by the Province Council concerned to fill the vacancy in accordance with the procedure appropriate to such seat.

(2) Whenever the seat of an appointed member becomes vacant the vacancy shall be filled by appointment by the President.

10. Any question which may arise as to the right of any person to be or remain a member of the Council, shall be referred to the Speaker who may determine the issue or if he thinks fit, submit the same to the Civil High Court for determination.

11. (1) The Council shall be presided over by a Speaker.

(2) The Speaker shall be elected by its members from amongst members or other persons qualified to be members of the Council.

(3) If the Speaker is not an sitting member of the Council, he shall become a member thereof *ex officio*.

(4) There shall be a Deputy Speaker elected by the Council from amongst its members. He shall preside at meetings of the Council in the absence of the Speaker.

(5) The Speaker or the Deputy Speaker may, at any time by writing under his hand addressed, in the case of the Speaker, to the Deputy Speaker, and in the case of the Deputy Speaker, to the Speaker, resign his office; and may be removed from office by a resolution of the Council passed by a two thirds majority of all the then members of the Council.

(6) The salaries to be paid to the Speaker and Deputy Speaker shall be such as may from time to time be fixed by the President.

Provided that their salaries shall not be varied to their disadvantage during the term of their office.

12. (1) The President shall appoint the date and place for the commencement of each session of the Council; provided that the Council shall be summoned by the President to meet twice at least in every year, and so that the commencement of a new session shall be appointed to take place within six months of the last sitting of the preceding session.

(2) A session of the Council shall continue until determined by the President by prorogation or dissolution.

13. Unless sooner dissolved, the Council shall continue for a period of two years from the beginning of its first session, or for such other period as may be necessary for the enactment of a new Constitution.

14. Members of the Council who are also Ministers shall be entitled

to receive such salaries and allowances for their service as may be fixed by the President.

15. Three fifths of the members of the Council shall constitute a quorum.

16. Subject to the provisions of its Standing Orders, proceedings in the Council shall be conducted in Arabic, but without prejudice to such use of the English language as may be convenient.

17. Subject to the provisions of this Act and of any Standing Orders made hereunder, there shall be freedom of speech in the Council, and no member thereof shall be liable to any proceedings in any Court in respect of anything said or of any vote given by him in the Council or any Committee thereof.

18. (1) Subject to the limitations in this Act, the Council shall be entitled to hold debates and pass resolutions on any subject.

(2) Resolutions may, if the Council thinks fit, be submitted to the Council of Ministers for consideration.

19. A member of the Council may, subject to its Standing Orders, address questions on any subject to the Council of Ministers or the Minister concerned.

20. Every Minister shall be a member of the Council and shall have the right to speak in and other wise take part in the proceedings of the Council and any of its committees of which he may be appointed a member.

21. (1) Subject to the provisions of this Act all questions proposed for decision in the Council shall be determined by a majority of the votes of the members present and voting.

(2) The Speaker shall have neither an original nor a casting vote.

(3) If upon any question before the Council the votes are equally divided, the motion shall be deemed to be lost.

22. The Speaker shall by order prescribe Standing Orders for the regulation and orderly conduct of the proceedings of the Council and the despatch of its business, including provision for the setting up of such standing, select, or other committees as may from time to time appear necessary or expedient; the Council may thereafter from time to time add to, amend, or revoke such Standing Orders.

23. The validity of any proceedings in the Council shall not be called in question before any Court or other authority on the ground of any alleged irregularity of procedure.

24. No treaty, agreement or convention with any other country or countries or with any international or regional organization shall have effect in the Sudan unless ratified by the Council by law.

25. (1) The President may, at his discretion at any time address the Council and may for that purpose require the attendance of members.

(2) The President shall address the Council at the beginning of every session.

(3) The President may at his discretion at any time send a message to the Council and such message shall thereupon be considered by the Council with all convenient despatch.

CHAPTER II

LEGISLATION

26. (1) Subject to the operation of section 36 hereof, legislation shall be initiated by bill or by provisional order.

(2) A bill shall not become law unless it has been passed by the Council and has received the assent of the President. On receipt of such assent the bill shall become law as an Act.

(3) If a Government bill is passed by the Council with amendments which are not acceptable to the Council of Ministers, the Council of Ministers may withdraw the bill.

27. (1) If at any time when the Council is not sitting, the Council of Ministers shall resolve that the passing of any Government legislation is a matter of urgency, the Council of Ministers may make a provisional order enacting the same, and submit such order to the President for his assent.

(2) On receipt of such assent, the Provisional order shall have the same force as an Act of the Council.

(3) Every such order shall be submitted by the Council of Ministers as soon as practicable for confirmation or otherwise by the Council provided that such submission should take effect not later than in the following first session of the Council.

(4) If the order be confirmed by resolution of the Council, it shall thereupon become an Act.

(5) If the Council refuses to confirm the provisional order, the order shall forthwith lapse, and cease to have effect, but without prejudice to the right of the Council of Ministers to introduce a bill to the same or a similar effect.

(6) Any enactment repealed or amended by a provisional order shall as from the date of the lapse of such order be revived and have effect as if such order had not been made.

(7) The lapse of any such order shall not have retrospective effect.

CHAPTER III

FINANCE – PROPERTY – CONTRACTS – SUITS

28. In this Chapter the expression “year” means the financial year, which shall be the 12 months ending on the 30th day of June in each calendar year.

29. The annual budget, which shall consist of estimates of revenue and of expenditure (other than expenditure from reserves) shall be prepared by the Minister of Finance and shall, when passed by the Council of Ministers be laid before the Council.

30. (1) The proposals of the Council of Ministers for all such expenditure (other than expenditure hereinafter declared to be excepted expenditure), shall be submitted to the vote of the Council by means of an Appropriation Bill which shall contain estimates under appropriate heads for the several services required.

(2) The following expenditure shall be excepted expenditure and shall not be submitted to the vote of the Council but shall be paid out of revenue namely:

(a) Debt service charges for which the Sudan Government is liable by virtue of obligations incurred by it.

(b) The salaries and allowances of the President and members of the Supreme Council for the Armed Forces and other expenditure relating to its office.

(c) The salaries payable to members of the Judiciary.

(d) The salaries payable to the members of the Public Service Commission.

(e) The salary payable to the Auditor General.

(3) The Council may assent or refuse its assent to any estimate included in the Appropriation Bill or may vote a lesser amount than that included therein but it may not vote an increased amount or an alteration in its destination.

31. (1) The Council of Ministers may present to the Council by means of an Advance Appropriation Bill estimates of the amounts required to provide for the maintenance of government services from the first day of the financial year until the Appropriation Bill receives the President's assent.

(2) Advance Appropriation Bills shall be dealt with in the same way as Appropriation Bills.

32. (1) The Council of Ministers may present to the Council supplementary estimates of expenditure whenever:

(a) the amount voted by the Council proves insufficient for the purpose of the current year, or

(b) a need arises during the current year for expenditure, for which the vote of the Council is necessary, upon some new service not provided for in the budget for that year.

(2) Supplementary estimates shall be dealt with in the same way as estimates, save only that if the Council is not then sitting the additional expenditure may in cases of urgency be authorised by provisional order.

33. Whenever the Council of Ministers proposes to make allocation from revenue to Government reserves, or to make a transfer from one

reserve to another, it shall present to the Council a bill to cover such allocation to transfer; and such bill dealt with in all respects as an Appropriation Bill, save only that if the Council is not then sitting such allocation or transfer may in cases of urgency be authorized by provisional order. Provided that it shall not be necessary for the Council of Ministers to present a separate bill to the Council under this section for any allocation which has been included as expenditure in an Appropriation Bill or a Supplementary Appropriation Bill.

34. Whenever the Council of Ministers proposes to expend moneys to be charged to Government reserves, it shall present to the Council a bill to cover such expenditure, and such bill shall be dealt with in all respects as an Appropriation Bill, save only that if the Council is not then sitting, such expenditure may in cases of urgency be authorized by Provisional Order.

35. Proposals for the imposition of new or the alteration or repeal of existing taxes shall be submitted to the vote of the Council by means of a bill. Provided that the Council of Ministers may, where in its opinion the public interest so requires, provide by Order in Council that any proposed new tax or alteration in or repeal of an existing tax shall come into operation on the day on which the bill is presented to the Council; but every such order shall be without prejudice to the right of the Council to vote in due course on any such proposal. An order made under this section may be revoked by the Council of Ministers and, unless sooner revoked, shall expire upon the coming into operation of the bill as an Act, or upon the rejection by the Council of the bill; but its revocation or expiration shall not have retrospective effect, and no revenue collected under such order shall in any event be repayable. Provided further that if the Council is not then sitting, any new tax or alteration to or repeal of an existing tax may in cases of urgency be authorized by provisional order.

36. (1) No member of the Council shall introduce any bill, or move any amendment to a bill, having the object or effect of imposing or increasing any tax, or imposing any charge upon the revenue, or upon the Government reserves, save with the prior consent of the Minister of Finance. Provided that a bill or amendment shall not be deemed to have such object or effect by reason only that it includes provision for the imposition of fines or penalties, or for the payment of fees for licences or fees for services rendered.

(2) A certificate by the Minister of Finance that a proposed bill has such object or effect shall be conclusive.

37. (1) The final accounts of Government revenue and expenditure, including expenditure charged to reserves, for each year shall be laid before the Council by the Council of Ministers.

(2) The Auditor-General shall submit his report on the accounts to

the Council at the same time as the accounts are laid before it, not later than 18 months from the end of the financial year.

(3) If the accounts show that expenditure was incurred in excess of the appropriation made by the Council in respect of any head, the Council of Ministers shall present to the Council a bill to cover the excess, and such bill shall be dealt with in all respects as an Appropriation Bill.

(4) If for any reason the Auditor-General is unable to submit his report within the period herein specified he shall render a report setting out the reasons for his inability to do so.

38. The executive power of the Government of the Sudan, shall extend, subject to any law made by the Council, to the grant, sale, disposition or mortgage of any property held for the purpose of the said Government, and to the purchase or acquisition of property for those purposes, and to the making of contracts.

39. All contracts made in the exercise of the executive power of the Government of the Sudan shall be expressed to be made by the said Government, and shall be executed by such persons and in such manner as the Government may direct.

40. All units and other legal proceedings instituted by or against any any department or official of the Government of the Sudan, relating to the performance of their official functions, shall be instituted in the name of the Government of the Sudan.

CHAPTER IV

THE AUDITOR-GENERAL

41. There shall be an Auditor-General for the Sudan, who shall be the servant of and directly responsible to the President.

42. (1) The Auditor-General shall be appointed by the President on the recommendation of the Council of Ministers and the approval of the Council.

(2) The Auditor-General shall, before assuming his office take an oath or make a declaration before the President in the form set out in the Schedule.

43. (1) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Government of the Sudan and every department or board thereof as may be laid down by the Council by law; and until provision in that behalf is so made, shall perform such duties and exercise such powers as were conferred on or were exercisable by the Auditor-General by or under the Audit Ordinance 1933 immediately before coming into force of this Act.

(2) Any such law may confer on the Auditor-General similar duties and powers in relation to such other accounts as may be therein specified.

44. (1) The Auditor-General shall not be removed from his office except by an order of the President or in pursuance of a recommendation to that effect passed by three-quarters majority of the Council.

(2) On ceasing to hold office, an Auditor-General shall not be eligible for any employment under the Sudan Government.

45. The salary and pension rights of the Auditor-General shall be such as may be laid down by the Council by law, and in the meantime shall be those in force immediately before the commencement of this Act: provided that neither salary nor pension rights of the Auditor-General shall be varied to his disadvantage after his appointment.

46. The reports of the Auditor-General relating to the accounts specified in section 37 shall be submitted to the Council.

CHAPTER V

GENERAL

47. (1) No action or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in any court of law for or on account of or in respect of any act, matter or thing done, whether within or without the Sudan, between the 17th day of November, 1958 and the passing of this Act, if done under the provisions of Constitutional Order No. 1 of 1958 in good faith in the execution of his duty or for the public safety or in the enforcement of discipline or otherwise in the public interest by a person holding office in or employed in the service of the Armed Forces of the Sudan or the Supreme Council for the Armed Forces of the Sudan, in any capacity, whether military, naval, air force or civil, or by any other person acting under the authority of a person so holding office or so employed.

Provided that this section shall not prevent:

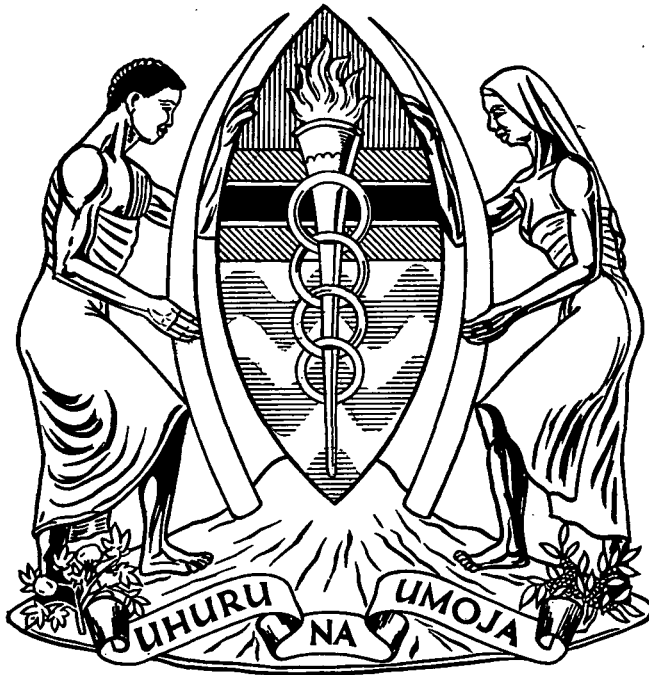
(a) the institution or prosecution of proceedings in respect of any right under or alleged breaches of contract, if the proceedings are instituted within one year from the passing of this Act;

(b) the institution or prosecution of civil proceedings founded on negligence in respect of damage to person or property;

(2) For the purposes of this section a certificate by a Government department that any act, matter or thing was done under the authority of a person so holding office or so employed as aforesaid and/or was done in the execution of a duty, shall be sufficient evidence of such authority or duty and of such act, matter or thing having been done thereunder, or in execution thereof, and any such act, matter or thing done by or under the authority of a person so holding office or so employed as aforesaid, shall be deemed to have been done in good faith, unless the contrary is proved.

(3) Nothing in this section shall prejudice or prevent the institution or

prosecution of proceedings for giving effect to a final judgment given before the passing of this Act by any court of final resort or by any other court when the judgment at the passing of this Act is not then the subject of a pending appeal.



TANZANIA

SUMMARY

INTERNATIONAL STATUS

Tanzania¹ is a member of the United Nations (Tanganyika, December 14, 1961, Zanzibar, December 16, 1963). It is a member of the Commonwealth of Nations, of the Organization of African Unity, and of other international organizations.

¹ On October 29, 1964, the President announced that Tanganyika and Zanzibar would be called the United Republic of Tanzania (*Le Monde*, October 31, 1964).