

# **LAWS OF THE NEW SUDAN**

## **THE POLICE ACT, 2003**

**Printed and Distributed by Secretariat of Legal Affairs and Constitutional Development.**

**(PROVISIONAL ORDER)**  
**Laws of the New Sudan**  
**The Police Act, 2003**

**Chapter 1**

**Preliminary**

**Section 1 Title and Commencement:-**

This Act may be cited as “The Police Act, 2003 and shall come into force on the date of signature.

**Section 2 Repeal and Saving.**

- (i) The New Sudan Police Act 1994 is hereby repealed.
- (ii) All the Acts, orders and regulations issued in accordance with the Provisions of the repealed Act, shall continue in force till repealed or amended in accordance with the Provisions of this Act.

**Section 3 Application:-**

This Act shall apply to all Officers and other ranks in the Police force and to any class or classes of persons to whom this Act is made applicable.

**Section 4 Definitions:-**

- A) In this Act, words and expressions shall bear the meanings assigned to them in the definitions contained in the Penal Code, 2003, and Criminal Procedure Act, 2003 unless herein otherwise defined.
- B) In this Act unless the context otherwise requires:-
  - (i) “**Police Force**” means the Police Force constituted under this Act.
  - (ii) “**Commissioner**” means the Commissioner for Interior.
  - (iii) “**Inspector General**” means the Inspector General of Police.
  - (iv) “**Director**” means the Officer in command of the Headquarter Region or any other unit within the Police Force.
  - (v) “**Police**” means an Officer or a member of other ranks in the Police Force.
  - (vi) “**Superior Officer**” when used in relation to any person subject to this Act includes a Non Commissioned Officer in charge of any Police Unit.

- (vii) **“Non Commissioned Officer”** means a Policeman of any of the following disciplinary ranks:-
  - (a) Regimental Sergeant Major (RSM).
  - (b) Sergeant Major (SM).
  - (c) Sergeant (SGT).
  - (d) Corporal (CPL).
  - (e) Lance Corporal (L/CPL).
- (viii) **“Other Ranks”** includes NCOs and privates.
- (ix) **“Attorney General”** means Commissioner for Legal Affairs and Constitutional Development.
- (x) **“Officer”** means any Officer in the New Sudan Police Force of any of the following disciplinary ranks:-
  - (a) Commander.
  - (b) A/Cdr.
  - (c) Lt. Col.
  - (d) Major.
  - (e) Captain.
  - (f) 1<sup>st</sup> Lt.
  - (g) 2<sup>nd</sup> Lt.
- (xi) **“Officer in charge of Police Unit”** means the Officer appointed by the Inspector General to take charge of the Police Force in the headquarter Region, County, the New Sudan Railways, the New Sudan Border Police or any of the following Directorates:-
  - (h) Public Security.
  - (i) CID.
  - (j) Administration.
  - (k) Passports, Immigration and Nationality.
  - (l) Public Relations.
  - (m) Police College.
  - (n) Traffic Police.
  - (o) Auxiliary Police.
  - (p) Customs Police.

## **Chapter 2**

### **Section 5. Application of the Act:-**

The Chairman may by an order apply the provisions of this Act to any class or classes of persons and any person serving in such class or classes shall from the date specified in such order become thereby subject to this Act.

### **Section 6. Delegation of Powers.**

The Commissioner may, by order delegate temporarily any person or group or groups of persons, all or any of his powers prescribed in this Act.

**Section 7      Formation of Additional Auxiliary Force:-**

- 1)      The Commissioner may from time to time by order form additional Auxiliary Forces to perform general, special or temporary duties.
- 2)      The Commissioner may make regulations for proper administration, discipline and organization of such forces.

## **Chapter 3**

### **Constitution, Obligations and Duties of the Police Force**

**Section 8**

- 1) The Police Force is a disciplined force and shall consist of the following:-
  - (a)      Officers.
  - (b)      Other ranks.
  - (c)      Any group or groups of persons to whom this Act applies.
- 2) Without prejudice to the powers of the Chairman, the Police Force shall be under the Commissioner and shall, be organized administratively and technically as the Commissioner may prescribe.
- 3) The Commissioner may delegate all or any of his powers under this Act to the Inspector General.

### **Duties of the Inspector General**

**Section 9**

- 1) The New Sudan Police Force shall be under the command of the Inspector General of Police who may delegate any of his powers to the Officers in charge of the Police Units.
- 2) The Inspector General shall be charged with the superintendence, administration and disposition of the Police Force and shall be responsible for all the finances of the Police Force and accountable for all the stores and special properties of the Force.
- 3) The Inspector General may at any time enroll able persons in accordance with regulations to fill vacancies of other ranks within the authorized establishment.
- 4) The Inspector General may fill by promotion or otherwise all vacancies which may occur in the other ranks.

**Section 10. Duties of Police:-**

The Police shall be deployed for the prevention and detection of crime and prosecution of offenders on behalf of the Attorney General and shall report back to the same on all steps taken in that regard. The Police shall also be responsible for apprehension of offenders, maintenance of public order and public security, safety of persons and property, fulfillment of any obligations under law and regulations it shall also be responsible for the custody of any unclaimed properties.

**Financial Responsibility of the Police**

**Section 11.**

- 1) Every member of the Police Force shall be responsible for all the public properties entrusted to his care or that shall come into possession and shall be charged with arms, accouterments, clothing and public stores issued for his or the use of force under his command and shall account for the same to the Officer in charge of the unit in the case of their being lost, damaged or destroyed unless it can be shown to the satisfaction of the Officer in charge that such loss, damage or destruction was caused by an unavoidable accident, such as theft or actual use.
- 2) The members of the Police Force shall individually and collectively be responsible for any public building in which they may be accommodated or duly put under their charge.

**Obligations of the Police**

**Section 12.**

- 1) Every person enrolled in the Police force shall be bound as long as he retains his appointment, to devote his whole time and energies to the performance of all such duties as are under section 10 of this Act. He shall further execute at all times and use his utmost efforts within the limits of his duties any lawful orders from his superior Officers.
- 2) For the purpose of this Act a member of the Police Forces shall be deemed to be on duty for twenty four (24) hours a day.
- 3) A Police member suspended from his office but not removed from the force, shall not thereby cease to be bound by the provisions of this Act. While under suspension, his powers and privileges as police are held in abeyance, but shall continue to be subject to the same responsibilities, discipline, and penalties as if he had not been suspended.

## **Subjection of the Police Force to Military Law**

### **Section 13**

The Chairman may at any time declare the embodiment of the whole or part of the Police Force into the SPLA and so long as such declaration is in force the Police Force so embodied shall form part of the SPLA and shall be subject to all duties imposed on these forces and may serve in military operations and be subject to military law.

## **Chapter 4**

### **Appointment and Duties of Inspector General**

#### **Section 14**

The Chairman in consultation with Commissioner for Interior, shall appoint the Inspector General from amongst the Senior Police Officers in service.

### **Powers of Inspector General**

#### **Section 15**

The Inspector General shall be responsible for the superintendence and administration of the Police Force in accordance with the provisions of this Act and regulations made hereunder and shall be in charge of the Police Force, good administration, disposition of the Police and financial matters pertaining to it.

### **Appointment of Police Officers**

#### **Section 16**

The Chairman shall appoint Police Officers in accordance with the provisions of this Act and the Police regulations and may delegate his powers under this section to the Commissioner.

### **Officer Quarters**

#### **Section 17**

An Officer shall reside within the local limits of his unit and shall not reside elsewhere except for a due cause approved by the Officer in charge of the Police Unit.

### **General Duties of Officers**

#### **Section 18 Every Officer shall be bound to:-**

- a) Preserve the dignity of his office and behave in a manner becoming of his position.
- b) Perform the duty assigned to him personally, devotedly and accurately.

- c) Shoulder the responsibility for any order given him, and to be responsible for good administration and performance within his jurisdiction.
- d) Be of quite manner and self controlled at all times and respect the dignity and humanity of the citizens and to avoid use of force except where such use is required by law on the presumption that the Police is a friend and servant of the public.

### **Confidentiality**

- Section 19**
- 1) No Officer shall communicate any information or disclose any matter which is by its nature confidential or made so by a special order.
  - 2) No Officer shall keep for himself any official document or remove it from the file in which such document is kept even if it relates to a specific duty assigned to him.

### **Engagement in Non-official Work**

- Section 20** No Officer shall engage himself in any work for non-official authorities with or without remuneration or gratuity without obtaining the written consent of the Inspector General.

### **Engagement in Companies**

- Section 21** No Officer shall accept membership of any Board of Directors of any Private Company or Firm or any other post therein except when appointed by the appropriate authority.

## **Chapter 5**

### **APPOINTMENT IN OTHER RANKS AND DUTIES THEREOF**

#### **Appointment Procedure**

- Section 22** The other ranks shall be enrolled in accordance with the general regulations.

## **Police Quarters of Other Ranks, their Duties and Prohibited Acts**

**Section 23** Sections 17 to 21 shall apply to other ranks as they apply to an Officer, except that the Officer in charge of the Police unit may give the consent mentioned in section 20 of this Act.

### **Chapter 6**

#### **Offenses, Contraventions and Penalties Committed Under Cover of Office**

- Section 24**
- 1) Any person subject to this Act who commits under cover of his official position any act which is an offense under the Penal Code or any other law or assaults a member of the public or grossly neglects his duty or without reasonable excuse refuses to obey an order given to him by his superior Officer, commits an offense under this Act.
  - 2) Any person subject to this Act accused of an offense under the preceding sub-section may with the consent of the Inspector General be tried by a magistrate of the first class non-summariy and shall on conviction be punished with imprisonment for a term not exceeding two years or fine not exceeding three months pay or both.
  - 3) The punishment provided by this section is in addition to any other punishment or proceedings which may be prescribed by any other law.
  - 4) If convicted to a period of 6 months imprisonment the convict shall be dismissed from the force.

### **CONTRAVENTIONS**

#### **Absence Without Leave**

- Section 25** Any person subject to this Act who:-
- a) Absents himself without leave or without sufficient cause overstays leave granted to him or;
  - b) Without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise of duty or;
  - c) When on parade or duty, without sufficient cause or without leave from his superior Officer quits the parade or duty, or;
  - d) Quits his guard, piquet or patrol without being regularly relieved or without leave commits an offence and shall on conviction be punished with dismissal or lesser penalty.

- e) If any Officer is set free or acquitted by a criminal Court of any offense committed by him, he shall not be liable for any administrative punishment for the same offence in accordance with the provisions of this Act.

### **Criminal Force Against Superiors**

**Section 26** Any person subject to this Act who uses or attempts to use criminal force or commits an assault against his superior Officer whether on or off duty knowingly or having reason to believe him to be such, commits an offence and shall on conviction be punished with dismissal or any other lesser penalty.

### **Treatment of Subordinates**

**Section 27** Any person subject to this Act who uses or attempts to use criminal force against or commits an assault on or ill treats any person likewise subject to this Act being subordinate commits an offence and shall on conviction be punished with dismissal or lesser penalty.

### **Disobedience of Superior Officer**

**Section 28** Any person subject to this Act who:-

- a) Disobeys any lawful orders of his Superior Officer or;
- b) Absents himself from the barracks or his place of abode without leave while on standby, or;
- c) Utters words which show rudeness or disobedience of his Superior Officer,

commits an offence and shall on conviction be punished with dismissal or with any lesser penalty.

### **Standing Orders**

**Section 29** Any person subject to this Act who neglects to obey any general or other standing orders commits an offence and shall on conviction be punished with dismissal or lesser penalty.

### **Conduct Unbecoming of Police**

**Section 30** Any person subject to this Act who behaves in a scandalous manner which is unbecoming of his position as such, commits an offence and shall on conviction be punished with dismissal or any lesser penalty.

## **Malingering**

**Section 31** Any person subject to this Act who malingers or feigns disease or intentionally prolongs his treatment commits an offence and shall on conviction be punished with dismissal or any lesser penalty.

## **Negligence and False Accusation and False Report**

**Section 32** Any person subject to this Act who:-

- a) Neglects his duties, or;
- b) Makes a false accusation against any person subject to this Act, or;
- c) Furnishes an erroneous report of any duty assigned to him, commits an offence and shall on conviction be punished with dismissal or any lesser penalty.

## **Conduct Prejudicial to Good Order and Discipline**

**Section 33** Any person subject to this Act who is accused of any act or conduct for which no penalty has been elsewhere specified in this Act but which is prejudicial to good order and discipline commits an offence and shall on conviction be punished with dismissal or any lesser penalty.

## **Contraventions and Penalties in the Case of Officers**

**Section 34** The following penalties may be imposed on an Officer:-

- a) Dismissal subject to confirmation by of the Chairman.
- b) Cut of pay, or demotion or both.
- c) Deprivation from annual increment for a period not exceeding one year.
- d) Suspension of annual increment for a period not less than three months.
- e) Deprivation from seniority of service for one year subject to confirmation by the Inspector General.
- f) Severe or simple reprimand.
- g) Admonition which may be awarded once only during a year.
- h) Placement under non-effective list.

## **Police Court for Officers**

- Section 35**
- 1) The Chairman shall, on the recommendation of the Commissioner under this Act, by an order convene a Major Police Court for the trial of any Officer from the rank of Major and above.
  - 2) The Inspector General or any person authorized by him under this Act, may by order convene:-
    - a) A non-summary Police Court for the trial of any Officer below the rank of Major.
    - b) A summary Police Court for the trial of any Officer below the Rank of Major.

## **Constitution of Police Courts**

- Section 36**
- The Police Courts shall be constituted as follows:-
- a) Major Police Court composed of five (5). Officers none of whom shall be below the rank of Major and of whom one shall be nominated as the president by the convening authority.
  - b) Non-summary Police Court composed of three Officers none of whom shall be below the rank of the accused Officer and one of whom shall be nominated as the president by the convening authority.
  - c) Summary Police Court composed of one Officer provided that an Officer of the rank of Lt. Col. and above shall only be tried by the Inspector General.

## **Powers of the Police Courts**

- Section 37**
- 1) A major Police Court may impose any of the penalties provided for under *section 34* of this Act.
  - 2) A non-summary Police Court may impose any of the penalties provided for in *section 34* of this Act.
  - 3) A summary Police Court may impose the penalties provided for in clauses (e), (f) or (h) of *section 34* of this Act.

## **Procedure Of Police Courts**

- Section 38**
- The order for committal for trial shall be issued after the investigation in to the contravention and shall include the charges against the Officer who shall be notified in writing of the order of committal for trial and the date of trial not less than 48 hours before the hearing.

## **Hearing Before Police Courts**

- Section 39**
- 1) Every charge shall be inquired into by the Police Court in the presence of the accused who may cross examine and call any witnesses and make any statement in defense verbally or in writing provided that the statements of all witnesses and the accused Officer shall always be taken in writing by any Major Police Court or non-summary Police Court.
  - 2) The accused Officer may call a friend to assist him in his defense.
  - 3) The accused Officer may be tried in absentia, if in spite of being summoned, he fails to appear before a Police Court or fails to attend without sufficient cause.
  - 4) The accused Officer may be retried if he shows sufficient cause as to why he failed to attend.

## **Appeals**

- Section 40**
- 1) The aggrieved Officer may appeal to the Inspector General against penalties imposed by a summary Police Court and in case the penalty was imposed by the Inspector General, he may appeal to the Commissioner.
  - 2) The aggrieved Officer may appeal to the Commissioner through the Inspector General against penalties by non-summary or Police Major Court and thereafter to the Chairman whose decision shall be final.

## **Powers of Appellate Authority**

- Section 41** The appellate authority to which an appeal lies under the proceeding section may:-
- a) Confirm the findings and penalty, or;
  - b) Confirm the findings and alter the penalty to any lesser penalty, or;
  - c) Annul the findings and penalty, and or;
  - d) Order retrial.

## **Penalties for Contraventions in the Case of Other Ranks**

- Section 42** The authorities mentioned under the Police regulations may impose any of the following penalties on other ranks:-
- a) Dismissal provided the dismissal of R/SM shall be subject to confirmation by the Inspector General.
  - b) Demotion in rank provided the reduction in rank of R/SM shall be subject to confirmation by the Inspector General.
  - c) Deprivation from annual increment.
  - d) Forfeiture of leave.
  - e) Confinement in cells for seven days without pay and allowance other than forage allowance and with or without punishment drill.
  - f) Punishment drill for 15 days.
  - g) Punishment drill for 7 days.
  - h) Extra duty for 7 days.
  - i) Confinement to barracks for 10 days with or without punishment drills.
  - j) Simple or severe reprimand.

## **Complaints by and Against the Police Force**

- Section 43**
- 1) Any Officer who deems himself wronged by any Officer or by any measure and who on due application made to his commanding Officer does not receive the redress to which he considers himself entitled may complain to the Inspector General and if the complaint is against the Inspector General it may be made to the Commissioner for Interior.
  - 2) Any member of the other ranks who deems himself wronged by any Officer or measure may complain to the Officer under whose command he is serving provided that when the Officer complained against is the Officer to whom the complaint would otherwise be referred, the aggrieved person may complain to the Senior Officer.

## **Chapter 7**

### **SUSPENSION AND PLACEMENT ON NON-EFFECTIVE LIST**

#### **Suspension from Duty**

- Section 44**
- 1) The Inspector General or the Officer in charge of the Police Unit may within his jurisdiction suspend any Officer from duty in the interest of service.
  - 2) The Inspector General or Officer in charge of the Police Unit or any acting Officer in charge may suspend any member of the other ranks in the interest of service.
  - 3) The regulations shall provide for the procedure for suspension and the proportion of the pay to be paid to persons suspended under subsection (1) and (2) of this section.

#### **Placement on Non-Effective List**

- Section 45**
- The Commissioner may recommend to the Chairman the placement of any Officer on the non-effective list for the period not exceeding two years for the following reasons:-
- a) If he is performing his duties in an unsatisfactory manner, or;
  - b) If a Medical Board decides that the Officer is not medically fit to carry out his duties for reasons pertaining to his health, or;
  - c) If for disciplinary reason and in the interest of service the Commissioner deems it necessary.

#### **Obligations of Officer on Non-Effective List**

- Section 46**
- 1) Any Officer placed on the non-effective list shall be subject to disciplinary measures and shall not work in any menial job.
  - 2) The Officer aforesaid shall not appear in uniform except on being called to Police Headquarters and shall notify the Headquarters in writing of his residence or any change therein.

#### **Rights of Officer Placed on Non-Effective List**

- Section 47**
- The Officer aforesaid shall be entitled to two thirds of his basic pay and the period spent on the list shall be counted towards pension and pension subscription shall be deducted there from.

## **Termination of Contract of Service**

- Section 48**
- 1) An Officer or any member of other ranks serving under a contract has no right to quit the force or resign during the term of contract without writing to the Inspector General in case of an Officer; or the Officer in charge of Police unit in case of the other ranks.
  - 2) The Officer in charge of Police or the person acting on his behalf may extend the contract of service after its expiration for a term not exceeding 6 months in the case of other ranks serving under his command.

## **Chapter 8**

### **Oath of Allegiance**

- Section 49** On appointment any person subject to this Act shall take oath of allegiance or make solemn affirmation as prescribed in the schedule annexed to this Act and shall sign accordingly in the presence of the Commissioner or any person authorized by him.

### **The Police Advisory Council**

- Section 50** The Commissioner may from time to time constitute an Advisory Council to assist him in performing his duties under this Act and he may make regulations to provide for the constitution and functions of the Council.

### **Regulations**

- Section 51**
- 1) The Commissioner may from time to time make general regulations not inconsistent with this Act or any other law in force with regard to all or any of the following matters:-
    - a) Regulation of the general administration of the Police lodgings, and conditions of appointment in the Police Force.
    - b) Specification of arms, ammunition, accouterments and clothing of the Police.
    - c) Development of the Police Force.
    - d) Basis of promotions, transfers and leaves.
    - e) Any other matters.

- 2) The Commissioner shall in consultation with the Commissioner for Finance and with the approval of the Executive Authority make financial regulations concerning pay, extra pay and allowances of the Police Force.

### **Standing Orders**

- Section 52** Subject to the regulations made by the Commissioner, the Inspector General may make standing orders binding on all members of the Police Force with regard to the following matters:-
- a) Good administration and welfare of the Police Force.
  - b) Training and Discipline.
  - c) Clothing and Equipment.
  - d) Social Welfare of Police.
  - e) Good administration of Officers Barracks, Training Centers and Units of the Police.

### **Orders and Directives to Units**

- Section 53** Subject to the regulations and standing orders aforesaid, the Officer in charge of the Police Unit may issue orders and instructions as regards to his unit that shall be applicable within the limits of his unit.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ year 2003 A.D.

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**Dr. John Garang de Mabior**  
**Chairman**  
**SPLM / CANS**

**SCHEDULE**  
**OATH**

I ..... Do hereby swear by the Almighty God (or do solemnly affirm) that I will truly and faithfully support the New Sudan Authority; perform my Police duties towards the well being of the Public and I will devote all my time and energy as long as I am in service to execute all duties according to the Police Act or any other law in force or lawful regulations and also swear to obey at all times all Orders issued to me by my Superior Officers even if I have to risk my life so help me God.