

The Interpretation of Laws and General Clauses Act, 1974

Title

1. This Act may be cited as “The Interpretation of Laws and General Clauses Act, 1974”.

Repeal

2. As from the date of the commencement of this Act the Interpretation and General Clauses Ordinance, 1955 shall be repealed.

Application

3. The provisions of this Act shall apply in the interpretation of every law in force whether enacted before or after the commencement of this Act.

Interpretation

4. In this Act and in all other laws the following words and expressions shall have the meaning respectively assigned before each of them unless the context otherwise requires or a meaning inconsistent therewith is expressly provided:

“**Gazette**” means the official Gazette of the Democratic Republic of the Sudan or the Regional Gazette and includes all their supplements;

“**Government**” means the Sudan and the high executive Council established in the Southern Region in accordance with the Southern Province Regional Self Government Act and any Regional Government established in accordance with the Regional Government Act, 1980;

“**Constitution**” means the Permanent Constitution of the Democratic Republic of the Sudan;

“**Year and month**” means respectively a year or a month reckoned according to the Gregorian calendar.

“**Person**” means any natural person and includes any company or association or body of persons whether corporate or not;

“**Commencement**” when it is used with reference to any law means the date on which such law comes to force;

“**Law**” means any legislative enactment, other than the Constitution and includes acts, provisional orders and any regulations, rules, subsidiary legislations or orders issued under Acts and includes Acts, provisional orders, regulations, rules, by law and orders made in accordance with the Southern Provinces Regional Self Government Act 1972 or any other Act made by the People’s Regional Assembly and the People’s Regional Assemblies;

“**Writing**” includes printing, lithographing, typewriting, photographing and other means for representing, or reproducing words in visible form. Words importing the masculine gender include the females. Words in the singular include the plural and vice-versa;

“**Prescribed**” means prescribed by the law in which any company or association or body of persons whether corporate or not;

“**Sign**” with its grammatical variations and cognate expressions whenever it occurs with reference to a person who is unable to write includes affixing a mark or a fingerprint;

“**Financial year**” means the twelve months commencing from the first of July and ending on the thirtieth day of June or any other two dates fixed by the Minister of Finance and Economic Planning.

Authorised version of the Laws

5. The copy published in the Gazette shall be deemed to be authorised version of that law and the Courts shall take judicial notice of the law as stated therein. No other version shall be relied upon provided that if the law is published in any revised edition the version contained in such revised edition shall be deemed to be authorised.

General rules for interpretation of Laws

6.1. The provisions of every law shall be construed in such manner as to achieve the purpose for which it has been enacted and in all cases the construction which achieves such purpose shall be preferred to any other construction.

6.2. If any provision in any law is inconsistent with any provisions of the Constitution the provision of the Constitution shall prevail to the extent of such inconsistency.

6.3. The provisions of a subsequent law shall prevail over these of a preceding law to the extent of any inconsistency.

6.4. Any special law or any special provision in any law in respect of any matter shall be deemed an exception to any general law or general provision in any law governing such matter.

Language of the Laws

7.1. Bills shall be prepared and laws shall be made in Arabic provided that an English translation thereof approved by the Attorney-General shall be made and published in the Gazette.

7.2. The Arabic version shall be deemed to be the original version and shall be authentic in respect of all laws passed since the first day of January, 1956 provided that the Courts may seek the assistance of the English version in the interpretation of laws published before that date.

Reference to Laws

8. In all circumstances it shall be sufficient in referring to any law to cite such law either by its title or by the year in which it was made and its number among the laws made in that year.

Publication and date of commencement of Laws

9. Every law shall be published in the Gazette within two weeks of the date on which it has been passed and shall come into force after the lapse of one month from the date of its publication unless some other date is specified in such laws

Assent not given the same year as Law is passed

10. Where the assent to an Act or to a Provisional Order is not or cannot be obtained in the year in which the same is passed and such Act or Provisional Order contains in its title or short title, if any, the date of such year, such Act or Provisional Order shall be

numbered, dated and cited according to the year in which the assent shall be given and the Act shall be read and construed in that way.

Repealed Laws not to revive

11. If a law is made repealing another law or any part thereof and such law is repealed in its turn, such last repeal shall not result in the revival of the latter law or provisions, unless there is special provision reviving such law or provision.

Effect of the Repeal

12.1. Where any law repeals and re-enacts with or without modification any provision of a former law, reference in another law to the provision repealed shall, unless the contrary intention appears, be construed as reference to the provision so re-enacted.

12.2. If a law is enacted repealing any other law or provision, unless a contrary intention appears, such repeal shall not result in:

- a) the revival of anything not in force or existing at the time at which the repeal takes effect; or
- b) affecting the previous application of any enactment or part thereof so repealed or anything duly done or suffered thereunder; or
- c) having any effect in respect of any right, privilege, obligation or liability which might have been acquired, undertaken or incurred under any law or provision thereof which has been repealed as aforesaid; or
- d) having any effect in respect of any penalty, forfeiture or punishment which might have been inflicted in respect of any convention of any law or any provision thereof which has been repealed as aforesaid; or
- e) having any effect on any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability penalty, forfeiture or punishment as aforesaid. In such cases such investigation or legal proceeding may be instituted, such remedy may be enforced and such penalty, forfeiture or punishment may be inflicted as if the repealing law had not been enacted.

General Provisions governing subsidiary legislation

13. Where an Act confers a power on any authority to make regulations, rules, or orders the following provisions shall have effect with reference to the making and operation of the same:

- a) such regulations, rules or orders shall not be inconsistent with the provisions of the Act under which they are made;
- b) there may be annexed to the breach of any regulation, rules or orders such penalty as the authority making the same may think fit;
- c) such regulations, rules or orders shall be deposited before the People's Assembly as soon as they are made and the People's Assembly may within one month of such deposit, by resolution, revoke the same, but without prejudice to the validity of any prior application thereof of the right of the delegated authority to make new regulations, rules or order;

d) such regulations, rules or orders may at any time be amended or cancelled by the same authority, in the same manner in which they were made and subject to the same conditions.

Power to appoint by name of office

14. Where by or under any law any authority is empowered to appoint or name a person to have and exercise any power or to perform any duty, such authority may either appoint a person by name, or direct that the person for the time being holding the office designated by such authority to have and exercise such power and perform such duty and thereupon or from the date specified by such authority the person appointed by name or the person occupying the office, aforesaid, shall have and may exercise such power and perform such duty accordingly.

Power to appoint includes power to suspend or dismiss

15. Where by or under any law, a power to make an appointment is conferred, then, unless a contrary intention is expressed, the authority having power to make the appointment shall have power to suspend or dismiss any person appointed by it in exercise of the power.

Changes in public offices and organs

16.1. Whenever there is a change in the title of any public office any reference in any law to the former title of such office shall with effect from the date of such change of title, be read and construed as a reference to that office by such new title.

16.2. Wherever any ministry or department has been amalgamated with a new ministry and any power was vested by or under any law in any person in such Ministry or Department before the amalgamation thereof as aforesaid, such power shall devolve on the person who shall be appointed by the Minister responsible for the new Ministry.

Power of delegation

17.1. Where by any law any authority is empowered to exercise any powers or perform any duties such authority may, unless by law expressly or implicitly prohibited from so doing, depute any person or persons by name, or the person or persons for the time being holding the office or offices designated by such authority to exercise such powers or perform such duties on behalf of such authority subject to such conditions, exceptions and descriptions as such authority may prescribe, and thereupon, or from the date specified by such authority, the person or persons so deputed shall have and exercise such power and perform such duties, subject as aforesaid; provided that nothing herein contained shall authorise such authority to depute any person to make regulations, rules or orders under the power in that behalf conferred upon such authority by an Act.

17.2. Such delegation shall not, unless the contrary appears, preclude such authority from itself exercising or performing at any time any of the powers or duties so delegated.

17.3. No person to whom a power has been delegated as aforesaid shall, unless law expressly provided otherwise, delegate the same power to another person.

Power to appoint members of the Boards and Committees temporary

18. Where power is conferred by law on any authority to appoint any person as a member of a Board or Committee or any similar body and such member is unable to carry on his work during any period by reason of his absence or sickness or for any other reason, such authority may appoint another person to carry on the work temporary on behalf of such member during the period of his disability.

Power to appoint Chairman and Secretaries of the boards, and Committees

19. Where by or under any law a power is conferred on any authority to appoint any Board, Committee or similar body, that authority may, unless the contrary intention appears, appoint a Chairman and a Secretary of such Board, Committee or similar body.

Quorum for the covering of Boards and Committees and making of resolutions

20. Where by or under any law any act or duty is required to be done by any Board, Committee or similar body, then, save as is otherwise provided, the following provisions shall apply:

- a)** more than half the total number of members shall constitute a quorum;
- b)** all questions proposed for decision shall be determined by the majority of the members present;
- c)** a defect in the appointment or qualification of a member shall not affect the validity of any decision taken prior to the discovery of such defect;
- d)** any minor or technical irregularity in the convening or the proceedings of any meeting shall not affect any decision passed in that meeting.

Meaning of Notice

21. Where any law authorized or required any notice or any other document to be served, whether the word “affix” or “direct” or “send” or any other expression is used, then, unless the contrary intentions appears, the notice shall be deemed to be effected by properly addressing, preparing and posting by registered post, a letter containing the notice or document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Disposed Forfeits

22.1. Where under any law any money or any animal or anything is adjudged by any Court or other authority to be forfeited, it shall, unless the contrary is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Government and the money or proceeds of the animal or thing, if it is ordered by a component authority to be sold, shall be paid into the general revenues of the Government, unless otherwise stated.

22.2. Nothing in this section shall affect any statement in any law whereby any portion of any fine or forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

Government subject to law

23. The Government shall be subject to all laws unless expressly exempted therefrom.

