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VOLUME 4

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LAWS OF THE SUDAN
VOLUME 4

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112	1	Malwa	= 1/2	Ruba	= 4.125	"
113	1	Kadah	= 1/2	Malwa	= 2.0625	"
114	1	Nus Kadah			= 1.03125	"
115	4	Gallons				
116	2	"				
117	1	"				
118	1	"				
119	1	Quart				
120	1	Pint				
121	1	"				
122	1	Fluid Ounce				
123	1	" Drachm				
124	1	" Scruple				
125	10	Minims				
126	1	Diraa	= 0.58	Centimeters		
127	1	Yard	= 0.9144	Metres		
128	1	Foot	= 0.3048	"		
129	1	Inch	= 25.4	Millimetres		

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1 Kilogram

1/2 Kilogram

1/4 Kilogram

String 27

Metre

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THE DOMESTIC SERVANTS ACT, 1955

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[10.4.1955] THE DOMESTIC SERVANTS ACT, 1955

An Act for regulating the relationship between employers and domestic servants.

PART I. GENERAL

Title. 1. This Act may be cited as the Domestic Servants Act, 1955.

Repeal. 2. The Domestic Servants Ordinance 1921, is hereby repealed.

Interpretation 3. In this Act, unless the context otherwise requires,—
“Continuous Service” means—

(a) in the case of service which commenced before the coming into force of this Act, uninterrupted service with the same employer from such date or from the 1st, April, 1954, whichever is the later;

(b) in every other case, uninterrupted service with the same employer from the date of the commencement of such service.

“Contract of Service” means any contract whether written or oral, express or implied, whereunder any domestic servant is employed at a wage by any employer to perform any of the following duties:—

(a) the preparation or service of food and drink;

(b) the normal household work necessary for the preparation, cleaning and maintenance of living accommodation;

(c) personal attendance including care of children;

(d) any work necessarily or reasonably incidental to any of the foregoing including any work connected with animal, gardens or vehicles.

“Minister” means the Minister of Public Service and Administrative Reform.¹

1. 1974 Act No. 40.

“Month” means a calendar month according to the Gregorian Calendar.

“Servant” means any person employed either wholly or partly as cook, house servant (including bedroom and kitchen servants), waiter, butler, nurse, valet, bar boy, footman, chauffeur, or washerman, or in any capacity involving the duties usually performed by any of the above mentioned servants by whatever title the person acting in such capacity may be styled; but does not include a person so employed by the Government or by a People's Local Government authority or by any catering establishment carried on for gain or by a club, boarding-house, school, hotel, canteen, hospital, nursing home, convalescent home or other establishment providing accommodation for aged, sick, infirm or mentally unsound persons or any establishment similar to any of them.²

PART II. IDENTITY CERTIFICATES

4. The People's Executive Council with the approval of the Minister may by order declare that the provisions of this Part shall not apply to any part or parts of its Province.³

5. No person shall engage himself as a domestic servant unless he is in possession of a valid identity certificate.⁴

6. (1) Any person who wishes to apply for an identity certificate shall present himself at any police station and shall,
(a) submit true particulars of his identity, and
(b) permit the police to take his finger prints, and
(c) provide at his own expense, where the necessary facilities for taking photographs exist, two photographs of himself of passport size.

2. 1974 Act No. 40.

3. 1961 Act No. 10; 1973 Act No. 43.

4. 1960 Act No. 41.

(2) Any person who is employed as a domestic servant on the date of coming into force of this Act shall submit the particulars and do all other things as provided in sub-section (1) within a period of ninety days from such date, and the provisions of Part II of this Act shall not apply in the case of such person except after the expiration of the said period of ninety days.

Issue of identity certificates.

7. The Police shall provide such applicant with an identity certificate in the prescribed form:

Provided that an identity certificate shall not be issued to any person who—

- (a) is under 15 years of age;
- (b) has during the five years preceding his application been convicted of an offence involving fraud or dishonesty or of an offence under section 316, 317, 318 or 319 of the Penal Code, 1974 or of an offence under the Hashish and Opium Act, 1924; or
- (c) has three or more previous convictions of such offences.

Reasons for refusal of identity certificates.

8. An applicant who is refused an identity certificate or a renewal thereof shall, on request, be informed in writing of the reasons for such refusal.⁵

Notification of change of employer.

9. (1) On entering into a contract of service with a different employer a domestic servant shall present his identity certificate at the police station nearest his new place of employment and the Police shall provide him with a written receipt therefor.

(2) If the Police discover that the holder, since the date of the last endorsement of the certificate, has been convicted of an offence which, had this been his first application, would have disqualified him from obtaining an identity certificate under the provisions of section 7, the Police shall cancel the identity certificate and inform the holder in writing of such cancellation and of the reasons therefor.

(3) If no such conviction exists, the Police shall return the aforesaid identity certificate to the holder duly endorsed to the effect that it has been checked.

5. 1960 Act No. 41.

9A. An identity certificate, unless previously cancelled under section 9, shall remain valid for one year from its date of issue; and unless the holder thereof has become subject to disqualification under section 7, shall be renewable at the end of each such year for a further year upon presentation at a police station and payment of the prescribed fee.⁶

Validity of identity certificate.

10. No employer shall engage as a domestic servant any person not in possession either of an identity certificate which has been endorsed by the Police within thirty days of the date of the proposed engagement, or of a receipt issued by the Police under sub-section (1) of section 9 and dated not earlier than thirty days before the engagement.

No employer to engage domestic servant without valid identity certificate.

11. The employer shall retain the identity certificate as long as the domestic servant is in his employment, and shall produce the identity certificate to the Police on being given reasonable notice to do so when a domestic servant ceases to be employed by an employer, the employer shall enter the prescribed particulars in the identity certificate of the servant.⁷

Retention of identity certificate.

12. (1) An appeal shall lie to the Province Court from any refusal to grant or renew the identity certificate under sections 8 and 9A and from the cancellation of an identity certificate under section 9 (2).⁸

Right of appeal.

(2) No court-fees shall be payable on such appeal.

12A. The following fees shall be payable in respect of the identity certificates:—

Fees.

For issue of Certificate	P.T. 15
For issue of duplicate Certificate in replacement of lost or defaced certificate	P.T. 15
For annual renewal of Certificate	P.T. 10.9

PART III. CONDITIONS OF EMPLOYMENT

13. In every contract of service, the following terms shall be implied unless there be an express stipulation to the contrary:—

Terms implied in contract of service.

6. 1960 Act No. 41.

7. *Ibid.*

8. 1960 Act No. 41; 1972 Act No. 32; 1973 Act No. 3; 1974 Act No. 66.

9. 1960 Act No. 41.

- (a) Wages shall be payable every month in arrear;
- (b) Subject as hereinafter provided, either party may at any time terminate the employment on giving to the other party fourteen days' notice of his intention to do so;
- (c) The employer may terminate a contract of service without notice at any time within the first seven days thereof;
- (d) When a domestic servant is engaged at one place and goes to serve his employer at another place the servant shall be entitled on termination of engagement by his employer to be sent back at the employer's expense to the place where he was engaged together with a reasonable sum to cover the cost of food for the journey:

Provided that no such right shall accrue,—

- (i) where the employment is terminated by reason of the conviction of the domestic servant of an offence involving fraud or dishonesty or of an offence under section 316, 317, 318, or 319 of the Penal Code, 1974, or under the Hashish and Opium Act, 1924;
- (ii) if after the termination of his employment he has accepted another employment at the place where his first employment was terminated;
- (e) An employer may dismiss without notice a domestic servant for gross misconduct or serious negligence in or connected with his employment.

Recovery of wages in lieu of notice.

14. If the employer dismisses a domestic servant without giving him the notice to which he is entitled under this Act, the domestic servant shall be entitled to recover from the employer a sum of money equal to the wages he would have earned during the period of such notice. Similarly if the domestic servant leaves his employer without giving him the notice to which he is entitled under this Act, the employer shall be entitled to recover from the domestic servant a like sum.

15. Every domestic servant shall be entitled to,—
- (a) two intervals of rest, one hour each in every day during the hours of daylight; and
 - (b) a weekly holiday of not less than 12 consecutive hours of which 6 shall be during the hours of daylight.

Intervals of rest and weekly holiday.

16. No employer shall make any deduction by way of discount, interest or any other similar charges on account of any advance of wages made to any domestic servant.

No deduction from wages on account of advances.

17. (1) The entire amount of wages due to a domestic servant shall be paid in cash.

Payment in kind illegal.

(2) No action shall lie, and no counterclaim or set-off shall be allowed in respect of any goods, wares or merchandise had or received by the domestic servant on account of his wages.

(3) The provisions of sub-sections(1) and (2) shall not extend or be construed to extend to prevent an employer from supplying or contracting to supply to any such domestic servant any medicine or medical attendance nor from letting such domestic servant any dwelling at a rent, and the domestic servant shall be liable to pay the cost of such medicine or medical attendance, or rent, as the case may be.

18. Save as hereinafter provided, the employer shall not be bound to pay wages for any day on which the domestic servant is absent from work and the employer is ready and willing to employ him.

Employer not bound to pay wages of servant when absent.

19. (1) After the completion of two years of continuous service a domestic servant who is unable to perform his duties owing to illness which is not due to his misconduct or negligence shall be entitled in respect of the days on which he is absent on account of such illness to full wages for thirty days and half wages for further thirty days during each twenty-four months of subsequent continuous service.

Payment of wages during absence on account of certified illness.

(2) In this section, illness due to misconduct shall include illness due to the domestic servant's use of stimulants or narcotics, unlawful acts, self-injury wilfully inflicted, or venereal diseases.

(3) The employer shall incur no liability under this section unless the illness has been certified to be an illness which renders the domestic servant incapable of performing his duties by a duly licensed medical practitioner or, where no such medical practitioner is available, by a person nominated for the purpose by the employer and agreed to by the domestic servant.

Holidays with pay.

20. (1) After the completion of two years of continuous service a domestic servant shall be entitled to fifteen consecutive days' holiday at full wages in respect of each subsequent year of continuous service.

(2) A domestic servant may, with the consent of his employer, defer his holiday in any particular year to the next succeeding year, in which case he shall be entitled to thirty consecutive days' holiday at full wages.

(3) The period of the domestic servant's holiday with pay to which he is entitled under this section shall not be extended by reason that the weekly holiday or a public holiday falls within the said period.

Employer's schemes providing for better terms.

21. Nothing in section 19 or 20 shall be construed as preventing an employer from operating a scheme under which a domestic servant employed by him receives more favourable conditions than those prescribed by the said sections in respect of absence on account of illness or holidays with pay.

Gratuity on termination of service.

22. On termination of service by either party, otherwise than by the employer under section 13 (e), the employer shall pay to the domestic servant a gratuity in respect of his period of service calculated as follows:

For domestic servant who has completed two years of continuous service one-half of one month's basic wages plus cost of living allowance (if any is paid) in respect of each completed year of continuous service up to twelve years, and one month's basic wages plus cost of living allowance (if any is paid) in respect of each additional completed year of continuous service, calculated on the basis of the average basic wages plus cost of living allowance paid to the domestic

servant during the two years immediately preceding the termination of employment.

The maximum gratuity payable under this section shall not exceed nine months basic wages plus cost of living allowance (if any) except in the case of a domestic servant who has served for a period of not less than twenty completed years of continuous service when the gratuity shall be a sum equivalent to one year's basic wages plus cost of living allowance (if any) calculated in the above manner.

23. Any domestic servant shall, at the request of the employer at any time on reasonable notice being given by the employer, submit himself to medical examination by a medical practitioner nominated by the employer, and the result of such examination shall be available for inspection by the employer. Medical examination.

24. The Commissioner of Labour with the consent of the Minister may make regulations for the purpose of giving effect to the provisions of this Act. Regulations.

25. Any contravention of or failure to comply with any provision of this Act or of any regulation made thereunder shall be an offence and shall be punishable by a fine not exceeding LS. 2 for a first offence and by a fine not exceeding LS. 10 for a second or subsequent offence.¹⁰ Offences and penalties.

¹⁰ 1956 Act No. 20.