

*This is the English language and also official text of the 1996 Somaliland Civil Service Law. This Law was issued under the [Somaliland National Charter of 1993](#) before the Interim Constitution was adopted in 1997. Unlike the Interim (as well as the final) Constitution, the National Charter allowed only the use of previous Somali Republic laws which were in force before the onset of the military dictatorship in October 1969. This was therefore the reason why this Law was based on the 1962 Civil Service Law and not on any of the post 1969 Civil service Laws.*

*Editor.*

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**REPUBLIC OF SOMALILAND  
THE PRESIDENT OF THE REPUBLIC OF SOMALILAND**

**CIVIL SERVICE LAW  
LAW No. 7/96**

HAVING SEEN:                   The National Charter

CONSIDERING :                That it is necessary to amend or replace some articles of the original Law of Civil Service, law No.7 of 15 March 1962.

HAVING HEARD:                The Civil Service Commission

APPROVED BY:                 The Council of Ministers

Hereby promulgates the following law:

**CHAPTER I GENERAL PROVISIONS**

**Article 1 - Definition**

In this law, unless the context otherwise requires:

"Division" Means any of the classes of posts specified in Article 3;

"Family" Means wife and minor children of an official;

"Grade" Means one of the segments into which a Division is divided;

" Head of Unit" Means;

    a) The minister in the case of Ministry concerned;

    b) In other cases, the official in executive control of the concerned unit.

"Pay" Means the remuneration due to an official at one of the monthly rates set out in the schedule hereto.

"Public Service" Means service in a civil capacity under the public service"

"Service" Means a unit that performs a certain work for the benefit of the operating Department.

"Section" Means a unit in service that performs auxiliary activities for the benefit of the service.

"Official" Is an employee in the public service.

**Article 2 - Application**

1) This law shall apply to permanent officials in the public service.

2) This law shall not apply to employee of local Governments, to member of the Armed Forces and Para Military Organizations.

## CHAPTER II ESTABLISHMENT

### Article 3 - Divisions, Grades & Titles of the Posts

1. The titles of posts shall be divided into Divisions A, B, C, & D. and shall be subdivided in to fifteen grades. Division A shall include grades 9 to 1, Division B grades 10 to 6, Division C grades 11 to 7 and Division D grades 15 to 12.
2. The four divisions will be classified as follows:
  - Division A - Administrative and professional.
  - Division B - Executive Officer and Senior Technical
  - Division C - Clerical and Technical
  - Division D - Unskilled and Unclassified

### Article 4 - Categories and Number of posts

1. The total number of posts of a unit, for which financial provision is made in the Budget, shall constitute the establishment of that unit.
2. An official in the Civil Service may be appointed, assigned or promoted only to a vacant post in the establishment.

## CHAPTER III DUTIES, PROHIBITION AND LIABILITY

### Article 5 - Duties and Responsibilities of the Civil Service

1. Officials shall carry out their duties in accordance with the law and in the public interest.
2. They shall exercise with diligence the normal duties pertaining to the office.
3. They may not refuse to serve in any place to which they may be assigned, nor refuse to carry out temporarily, within the same Division, duties of grade different from those of their grade, to which they may be assigned in the exigencies of service.
4. In the case of secondment, the Official shall perform the duties of the new post as may be required by the head of that unit.
5. Obey the rules and regulations governing this work.
6. Regard the information he obtains in the course of his/her duties as being secret.
7. Attend to his work punctually and in proper time.

### Article 6 - Prohibitions

1. Officials shall not exercise any activity incompatible
2. They shall not;
  - a) Be leader of any political party, or be actively engaged in any political activity.
  - b) Engage in any outside employment, provided that technical personnel having the required qualification to practice a profession may, in exceptional cases be authorized by the minister concerned to practice their profession.
  - c) Be associated with the management of any business concern.
  - d) Publish or cause to be published anything concerning the activities of the administration, or make any public statement on the policy of the Government on matters concerning National Defense, except in normal course of their official duties or with the prior approval of the Minister concerned.
  - e) Engage in speculation nor make any investment likely to embrace or influence him discharging his official duties.

### Article 7 - Liability

1. An official shall be liable to pay compensation to the state for any damage arising out of any violation of his official duties.
2. Where any right of third parties has been violated as a result of acts or omissions of an official or through gross negligence in the performance of his/her official duties, the official and the unit, shall be jointly and severally liable to compensate such third parties for any damage arising thereof, it shall have the right to claim re-imbursement from the official concerned. Where the unit has paid compensation to third parties, it shall have the right to claim reimbursement from the official concerned.
3. Where an official has received from his/her superior an order deemed to be manifestly, unlawful, he shall draw the matter to the attention of the superior stating the grounds thereof. If the order is confirmed in writing, the official shall have the duty to comply with it. In such a case, the official who has given the order shall be liable for any consequences arising from the said order.

## **CHAPTER IV PERSONNEL OF THE CIVIL SERVICE**

### **Article 8 - Requirement for Admission to the Civil Service**

1. Appointment to the Civil Service shall be open only to citizen who are at least eighteen years of age, mentally fit for appointment to the office, of good moral conduct and who possess the following educational qualifications:
  - a) A university degree or its equivalent for Division "A"
  - b) A higher secondary school Diploma or its equivalent for Division "B"
  - c) A lower secondary school Diploma or its equivalent for Division "C"
  - d) Elementary school Diploma or its equivalent for Division "D"
2. An applicant for admission to the Civil Service must possess the prescribed qualifications on the Date of application.

### **Article 9 - Entrance examination and Appointment of Examination Committee**

1. Officials shall be appointed on probation at the initial grade of the respective Division on the basis of open competitive examination and on the basis of genuine qualifications except as otherwise provided in this law.
2. Where two or more candidates obtain equal marks in an examination, the older one will be selected.
3. The terms and conditions of open competition examination, shall be established by the commission, in conformity with the advice of the council of ministers, the examiners will be appointed by the commission.
4. Except as otherwise provided by this law, any appointment not in compliance with the provisions of paragraph 1 of this article shall be null and void and shall not give rise to any obligation on the part of administration.

### **Article 10 - Probation & Confirmation**

1. An official shall be on probation for a period not less than three months and not more than six months with the duties of the initial grade and with the salary and allowances relating to that grade.
2. After the period of probation has expired, the official who having regard to the work performed or the results obtained in any training course, he/she may have attended, is found to be suitable shall be appointed in the initial grade.
3. At the end of probationary period, a certificate shall be issued by the head of

Unit that this official is suitable in every respect for confirmation accompanied by the relevant document and facts.

### **Article 11 - Direct Appointment**

1. In the event of exceptional circumstances, citizens who have the requirements for admission to the Civil Service under Article 8 paragraph 1, and who have distinguished themselves for their outstanding ability, competence and experience, may be appointed by the commission in a grade not lower than grade "A4", without competitive examination or probation.

### **Article 12 - Oath**

A senior official at the Director General level and above shall, on entering the Civil Service, take the following Oath:

**"I DO SWEAR IN THE NAME OF GOD THAT I WILL ABIDE LOYALLY BY THE LAWS OF THE REPUBLIC, WILL FULFILL ALL THE DUTIES OF MY OFFICE WITH DILIGENCE AND ZEAL, WILL SCRUPULOUSLY KEEP OFFICIAL SECRETS AND WILL CONDUCT MYSELF IN A MANNER BEFITTING THE DIGNITY OF THE OFFICE"**

### **Article 13 - Reports**

1. At the end of each year, a report shall be prepared for each official below A4 on the prescribed form.
2. The report shall contain an assessment of the efficiency of the official in relation to his work during the year, and shall indicate his merits and shortcomings.
3. The report shall also contain an overall performance of the official's work expressed by terms "Excellent" "Good" "Mediocre" or "Poor".
4. The report shall be prepared and signed by the official in charge of the office or service to which the official concerned is assigned and shall be reviewed and countersigned by the immediate superior of such reporting official.
5. The report shall be notified to and signed by the official reported on and shall be kept in his personnel file.
6. An official whose work has been adjudged as less than "Good" for two consecutive years shall not be entitled to periodic increment and promotion for one year.
7. Where the work of an official has been adjudged as "Poor" for three consecutive years his service shall be terminated.

### **Article 14 - Temporary Assignment to Public Agencies**

1. An official may be temporarily assigned to a public agency having a legal entity, with the prior agreement of the agency concerned.
2. During such assignment, the official shall receive emoluments not lower than those provided by for his/her division and grade, and such emoluments shall be paid by the agency concerned.
3. The service of the official shall during the assignment to public agency, for all purposes be deemed to be service in the Administration.

## **CHAPTER V PROMOTION, DEMOTION, TRANSFER, SECONDMENT & SENIORITY**

### **Article 15 - Promotion**

1. The suitability of an official for promotion to the higher grade shall be considered
  - (a) In the order of the seniority;
  - (b) On the basis of examination;
  - (c) On the basis of special merit,In accordance with the terms and conditions laid down in the schedules annexed to this law.

#### **Article 16 - Demotion**

1. No official shall be demoted except as a Result of Disciplinary Proceedings.

#### **Article 17 - Secondment**

1. Secondment is the movement of an official from a post to serve:
  - a) In another unit; or
  - b) In a public body; or
  - c) In a local administration; or
  - d) In a government body; or
  - e) Under a government of another country; or
  - f) Under an international organization, on terms which contemplate his return to service in the Unit from which he moves.
2. The service of an official during secondment shall be deemed to be public service.
3. The terms and procedure for secondment shall be prescribed by regulations made hereunder.

#### **Article 18 - Transfer**

1. Transfer is the movement of an official from one post to another post other than by way of promotion, demotion or secondment.
2. The transfer of an official shall not alter his pay or incremental date.
3. The procedure for transfer shall be prescribed by regulations made hereunder.

#### **Article 19 - Seniority**

1. Contrary to any disciplinary proceedings, the seniority of an official in his grade shall be determined by the date on which he/she entered that grade.
2. Where officials with previous recognized service enter a grade on the same date, the official who was senior at the time of entry into that grade shall continue to be the senior as long as both continue to serve therein.
3. Where an official's increase of pay is withheld, his/her seniority within his/her grade shall be reduced by one year for each increment withheld.

#### **Article 20 - Procedure**

1. Appointments, Promotions and Terminations for other than "Disciplinary reasons relating to unclassified officials in Division D, shall be effected by the Minister on the proposal of the official concerned. The same procedure shall govern the assignment, to ministries or public agencies, and the transfer from one ministry to another, of officials belonging to the above mentioned division.
2. Appointments and promotions, relating to officials in the other divisions shall be effected by the Commission on the proposal of the competent Minister. The same procedure shall govern the assignment, transfer and termination, for other than

disciplinary reasons of officials belonging to the above mentioned divisions.

## **CHAPTER VI SALARIES AND CONDITIONS OF SERVICE**

### **Article 21- Uniform Rates of Salary**

1. The rate of salary and the conditions of service for officials in the Civil Service shall be uniform in the whole territory of the Republic.

### **Article 22 - Salaries and Periodic Increments**

1. The salaries and periodic increments relating to the divisions and grades of the Civil Service are laid down in the schedules annexed to this law.
2. On the occasion of the celebration of Ramadan and Arafa, officials shall be granted a bonus in the amount of % of their salaries.

### **Article 23 - Social Security, Pension and Special Allowance**

1. Social Security, compensation for service- incurred death, illness or injury, pensions and other related benefits, subsistence allowance for special services shall be established by separate laws.
2. Until otherwise provided by law, the benefits referred to the preceding paragraph, shall continue to be governed by the existing laws and the time of entry into force of this law.

### **Article 24 - Debts due by an Official to the Administration**

1. Where a sum is due by an official in the public administration, such sum may be deducted from the salary payable to the official, in installments not exceeding one third of one month's salary.

## **CHAPTER VII DISCIPLINARY ACTIONS**

### **Article 25 - Discipline**

1. No official shall be subject to disciplinary proceedings except in accordance with the provisions of this chapter.
2. Without prejudice to any civil or criminal proceedings to which he/she may have rendered himself/herself liable, an official who ceases to fulfil or violates any of the provisions of this law or regulations made hereunder shall be dealt with:
  - a) By a ministerial Disciplinary Board, or
  - b) By a National Disciplinary Board.

### **Article 26 - Ministerial Disciplinary Board**

1. As and when required, a Ministerial Disciplinary Board may be established and convened by:
  - a) Director General or other official in executive control of a Unit.
  - b) Head of Somaliland Mission abroad.
  - c) Regional Governor/mayor.For trial of officials subordinate to them for offences.
2. The Board shall consist of three members including the Chairman who shall be the director General or other official in executive control of a Unit, Head of

Somaliland, Diplomatic mission abroad or the regional Governor/Mayor, as the case may be, or an official holding a post in Division A, Grade A5, or above delegated by any of them. The other two members shall be official in a grade not lower than that of the offending official and in no case lower than Division C grade C7.

3. The board shall have the power to try offences committed by official other than the officials triable by the National Disciplinary Board.

### **Article 27 - National Disciplinary Board**

1. The National Disciplinary Board for the Civil Service shall consist of a President and nine members appointed for a period of two years by the President on the proposal of the commission, approved by the Council of Ministers.

2. Five members shall constitute the quorum for meetings of the Board, where there is an even number of votes, the president shall have the casting vote.

3. Where a member of the Board has brought the charge in his capacity as superior official, he shall not participate in the proceeding as a member of the Board.

4. The board shall have the power to impose penalties as set out in paragraph 1 of Article 28.

5. All decisions of the board relating to (g and h) in paragraph 1, of article 28, shall be subject to the confirmation of council of Ministers.

### **Article 28 - Penalties and Offences**

1. The following penalties may be imposed by a ministerial or National Disciplinary Board.

- a) Censure in writing
- b) Fine not exceeding the amount of seven days' pay
- c) Stoppage of pay for a period not exceeding thirty days, which period shall not be counted towards pension.
- d) Suspension from duty with loss of pay for a period not exceeding three months, this period shall not be counted toward pension
- e) Retardation of promotion or increment
- f) Reduction of pay not exceeding one third and for a period not exceeding six months.
- g) Demotion
- h) Dismissal

2. The penalties referred to in sub-paragraph (a) to (e) of the preceding paragraph may be imposed, depending in the seriousness of the offence for:

- a) Gross negligence or unsatisfactory service
- b) Willful disobedience
- c) Failure to comply with Article 5 & 6 provisions of *[this Law]*.
- d) Conduct causing interruption or disturbance of the work of the office
- e) Absence from duty without justification
- f) Tolerating abuses committed by subordinate officials

3. The penalties referred to in sub-paragraph 1 (f. g. h.) may be imposed, depending on the seriousness of the offences for:

- a) Gross abuse of authority
- b) Violating of official duties causing damage to the state, to public or local administration or to private person.
- c) Wrongful use or misappropriation of funds administered by, or entrusted to an official.
- d) Demanding or accepting any gratification in return for acts performed or to be performed in the course of official duty.
- e) Acts of gross insubordination

- f) Violation of official secrets
  - g) Abuse of official position for personal gain
4. Where there are aggravating circumstance or in case of repetition of offences, or where there are extenuating circumstances, the penalties which may be imposed may be greater or lesser than those provided for the particular offences.
5. Periodic increment and promotions for a period of two years shall not be grant to an official in respect of whom any of the disciplinary measure referred to in letters (b), (c) and (d) of paragraph 1 of the preceding article have been taken.

#### **Article 29 - Summary Power**

1. The head of Unit, in respect of official of his/her Unit, a Head of Somaliland Diplomatic Mission abroad in respect of all officials of the mission and a regional Governor/mayor in respect of officials whose duty station are within his/her Region, shall have the power to deal in a summary manner with offences under Article 26 and may impose the following penalties:

- a) Censure in writing
- b) Fine not exceeding the amount of seven days' pay

2. The head of Unit, a Head of Somaliland Diplomatic Mission Abroad, or Regional Governor/Mayor may subject to such limitation as he thinks fit, delegate in writing his/her power under this article to any official under him/her in division A, grade 5 and above. Provided That:

- a) Officials holding in Division A, grade 6 to 8, Division B grade 6 & 7, and Division C, grade 7, shall not be dealt with summarily by any person other than a Head of Unit, Head of Somaliland Diplomatic Mission Abroad, or Regional Governor/Mayor, as the case may be.
- b) Officials holding posts in Division A, grade 4 or above shall not be dealt with summarily. Except with a National Disciplinary Board.

#### **Article 30 - Suspension**

1. If the Head of the Unit, Head of Somaliland Diplomatic Mission Abroad or Regional Governor/Mayor considers that it is in the interest of the public service required an official, who is charged with an offence under this Chapter or against whom criminal proceedings have been initiated in respect of acts which would constitute an offence under this chapter, shall cease to exercise the duties of his office instantly, he/she may at once be suspend him/her from performing his/her duties.

Provided that an official in Division A, grade 1 to 4, shall not be suspended without written approval of the commission of the republic.

2. An order for suspension may direct that the Official's pay be provisionally suspended either in whole or in part until the decision of a Disciplinary Board.

The Board shall, in the event of an acquittal, cancel the order for suspension, and in the event of a conviction confirm such order.

#### **Article 31 - Procedure**

1. The procedure to be followed in respect of the disciplinary proceedings should be provided by regulations made hereunder.

#### **Article 32 - Reprimand**

An official may be reprimanded either orally or in writing by his superior official, but such reprimand shall not be regarded as disciplinary proceeding.



### **Article 33 - Effect of Criminal Proceedings**

1. If criminal proceeding are instituted against an official, he/she shall not be brought before a disciplinary Board on any ground involved in the criminal charge while the criminal proceedings are still pending.
2. If an official who has been convicted on a criminal charge is brought before a disciplinary board on account of his/her conduct in the matter which was the subject of the criminal charge, the proceedings of the criminal court shall, where possible, be laid before the disciplinary board and the findings of the criminal court shall be accepted by the disciplinary board and it shall not be open with the official to bring any evidence to disprove the charge upon which he/she was convicted.
3. An official acquitted of criminal charge may nevertheless be proceeded against any other charge arising out of his/her conduct in the matter, which was the subject of criminal proceedings. Provided that the charge under this Chapter does not raise substantially the same issue or issues on which he/she has been acquitted.
4. When an official is acquitted of a criminal charge he/she shall be entitled to his/her salaries withheld and shall be reconfirmed to his duty.

## **CHAPTER VIII LEAVE**

### **Article 34 - Annual Leave**

1. An official shall be entitled to annual leave of thirty days with pay, which should normally be taken consecutively.
2. Annual leave may not be accumulated over a period of more than two years of service. Provided that if an official does not take leave for exigencies of service, such official may accumulate it over a period not exceeding four years.
3. Ordinary leave may be granted by the head of office.
4. Teachers shall take their ordinary leave during the school vacations.
5. Copies of order granting or cancelling ordinary leave shall be forwarded by the head of the office to the commission through the Director General.

### **Article 35 - Extra-ordinary Leave**

1. In addition to annual leave, an official may be granted extraordinary leave without pay for not more than three months within any period of three years.
2. In addition, a women in the Civil Service shall be entitled to maternity leave with pay for a period of four months, provided that at least one month of such leave shall be taken after the date of delivery. Maternity leave shall be granted on a certificate of a medical officer or a medical committee designated by the administration.

### **Article 36 - Sick Leave & Study Leave**

1. An official shall be granted sick leave or study leave.
2. Sick leave may be granted to an official for not more than twelve months in any period of three years. Sick leave shall be granted on certificate of a medical officer or a medical committee designated by the administration. Sick leave shall be granted on full pay for the first six months, and on half pay for the following three months. However, in the case of service incurred illness or injury, the official shall be entitled to full pay for the entire period of leave.
3. An official shall be entitled to free medical treatment in government medical establishment, in respect to service incurred illness or injury, unless provisions otherwise

made under a scheme of social security.

4. Study leave may be granted to an official who has been awarded scholarship abroad, for the duration of such scholarship. Such leave shall be without pay, provided that, in exceptional circumstance, the dependant of an official may be granted a subsistence allowance not exceeding one half of the official's salary.

#### **Article 37 - Recall From Leave**

1. The head of Unit concerned may, for exigencies of service recall an official from annual leave or extraordinary leave or from study leave provided for under articles 34, 35, & 36.

2. Such official shall, unless unable to do so for serious and sufficient reasons, report to duty at the prescribed time.

### **CHAPTER IX RETIREMENT & TERMINATION**

#### **Article 38 - Age of Retirement**

1. An official shall retire from the service on attaining the age of sixty years for male and 55 years for female.

2. However, for exceptional exigencies of service, the President, with the consent of the official concerned, may extend his/her service beyond the age of sixty, provided that the official's service shall not be extended beyond sixty five years of age.

#### **Article 39 - Termination**

1. The appointment of an official may be terminated for any of the following reasons:

a) Incapacity, on the expiry of the maximum period of sick leave provided for in paragraph 2 of Article 36 or earlier where such incapacity is determined to be permanent.

b) Unsatisfactory service, in accordance with paragraph 7 of Article 13.

c) As a result of disciplinary action, in accordance with paragraph 1 (h) of Article 28.

d) As a result of conviction, which has become final, on a criminal charge for abuse of official position for unlawful gain, speculation, fraud, theft, cheating, misappropriation of any offence which would debar an official from holding public service, notwithstanding any amnesty that may have been granted.

e) Acceptance of an official's resignation.

f) Retirement on reaching the age limit prescribed in Article 39.

### **CHAPTER X ADMINISTRATIVE AND JUDICIAL GUARANTEE**

#### **Article 40**

1. An official may file a petition before the competent Minister through the proper channel against any Administrative Decision concerning him which has not become final.

2. The petition shall be in writing and shall state the grounds, it shall be final within thirty days from date of communication of the decision to the officer concerned.

3. The decision of the competent minister on the petition shall be final.

4. Where, within sixty days from the date of filing of the petition, no decision thereon has been communicated to the official concerned, such petition shall be deemed to have been finally accepted.

#### **Article 41 - Recourse to the Supreme Court**

1. An official may file an appeal before the supreme court according to law against any final administrative decision concerning him, or against any unfavoured decision, as provided in paragraph 3 & 4 of the proceeding Article, such appeal shall be filled within sixty days from the date of expiry of the period of sixty days provided for in paragraph 4 of the proceeding Article.

## **CHAPTER XI FINAL PROVISIONS**

### **Article 42 - Entry into Force**

1. This law shall enter into force on the date approved by the Council of Ministers.

### **Article 43 - Formation of Permanent Establishment**

1. Government shall, within a period of one year from the date of entry into force of this law, fix the permanent categories and posts of the Civil Service, in accordance with Article 4, and place officials in such categories and posts.

### **Article 44 - Regulations**

1. The President of the Republic may, by decree, on the proposal of the Civil Service Commission and having heard the Council of Ministers make regulations for the implementation of this Law.

### **Article 45 - Abrogation**

1. Any provision contrary to or inconsistent with this law is hereby abrogated.

### **Article 46 - English Text to Prevail**

1. If there is a conflict between the English Text and any Language of this Law the former shall prevail.

**Mohamed Ibrahim Egal  
The President.**