

LAWS OF SOUTH SUDAN

NATIONAL PUBLIC HEALTH INSTITUTE ACT, 2023

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ARRANGEMENT OF CHAPTERS

CHAPTER I PRELIMINARY PROVISIONS

SECTIONS

1. Title and Commencement
2. Repeal and Saving
3. Purpose
4. Authority and Application
5. Interpretations

CHAPTER II ESTABLISHMENT, OBJECTIVES, STRUCTURES, POWERS AND FUNCTIONS OF NATIONAL PUBLIC HEALTH INSTITUTE

6. Establishment
7. Objectives
8. Structure of the Institute
9. Powers and Functions of the Institute

CHAPTER III GOVERNANCE STRUCTURES OF THE INSTITUTE

10. Governance of the Institute
11. Composition of the Board
12. Eligibility for Appointment
13. Appointment of the Chairperson and members of the Board
14. Loss of Membership
15. Tenure of the Board
16. Powers and Functions of the Board
17. Remuneration of the Board members
18. Disclosure of Interest
19. Powers and Functions of the Chairperson
20. Removal of the Chairperson
21. Secretariat

CHAPTER IV
THE EXECUTIVE DIRECTOR AND DEPUTIES

- 22. Appointment of the Executive Director
- 23. Qualifications and Competence of the Executive Director
- 24. Powers and Functions of the Executive Director
- 25. Tenure of Office
- 26. Resignation
- 27. Suspension
- 28. Removal
- 29. Appointment of the Deputy Executive Directors
- 30. Qualifications and competence of the Deputy Executive Director of Technical Services
- 31. Functions of the Deputy Executive Director for Technical Services
- 32. Qualifications and competence of the Deputy Executive Director of Administration and Finance
- 33. Functions of the Deputy Executive Director for Administration and Finance

CHAPTER V
FINANCIAL PROVISIONS

- 34. Sources of Funding for the Institute
- 35. Accounts and Audit
- 36. Reporting

CHAPTER VI
MISCELLANEOUS PROVISIONS

- 37. Intellectual Property
- 38. Confidentiality
- 39. Transitional Provision
- 40. Regulations

LAWS OF SOUTH SUDAN

NATIONAL PUBLIC HEALTH INSTITUTE ACT, 2023

In accordance with the provisions of Articles 55 (2), (3)(b) and 85 (1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), the Transitional National Legislature, hereby enacts the following into law:

CHAPTER I PRELIMINARY PROVISIONS

1. Title and Commencement

This Act shall be cited as “the National Public Health Institute Act, 2023 and shall come into force on the date of its signature by the President.

2. Repeal and Saving

Any existing legislation governing the subject of this Act is hereby repealed; provided that any action, proceedings, orders and regulations issued or made under the repealed legislation shall remain in force until repealed or amended in accordance with the provisions of this Act.

3. Purpose

The Purpose of this Act is to establish the institute to serve as center of excellence for supervision, control and coordination of all matters relating to public health; including disease surveillance, laboratory systems and networks, emergency preparedness and response, workforce development, one health approach and public health research.

4. Authority and Application

- (1) This Act is drafted in accordance with the provisions of Articles 52 read together with the provisions of schedule (A) paragraphs (22) of the Transitional Constitution of the Republic South Sudan, 2011, (as amended).
- (2) The provisions of this Act shall apply to the National Public Health Institute.

5. Interpretations

In this Act, unless the context otherwise requires:

“Board” means the Board of Directors of National Public Health Institute;

“IHR” means International Health Regulations of 2005;

“Institute” means the National Public Health Institute;

“Laboratory” means a place with scientific experiments, testing or research;

South Sudan General Medical Council “SSGMC” means a legal and autonomous body responsible for regulation of medical practice, health institutions and services.

“Minister” means Minister of Health;

“One Health Approach” means a collaboration of bringing human, animal and environmental health together to improve public health interest;

“Public Health Research” means a public health activity based on scientific application to investigate matters, to discover, interpret and develop methods and systems for the advancement of human knowledge, to solve health problems and improve life;

Public Health: Means organized community efforts aimed at the prevention of disease, promotion and protection of the health of the population;

Health Promotion: Means the science and art of helping people change their lifestyle to move towards a state of optimal health, defined as a balance of physical, emotional, social, spiritual, and intellectual health;

“Surveillance” means systematic data collation, analysis and interpretation.

CHAPTER II
ESTABLISHMENT, OBJECTIVES, STRUCTURES, POWERS AND FUNCTIONS OF
NATIONAL PUBLIC HEALTH INSTITUTE

6. Establishment

- (1) The National Public Health Institute is hereby established.
- (2) The Institute shall be an autonomous body, with perpetual succession and legal personality, capable of suing and being sued in its own name.
- (3) The Institute shall have its own seal and logo in a form to be determined by the Board.
- (4) The Institute shall be located in the capital of South Sudan and the Board may establish branch offices as may be appropriate and necessary in any State of South Sudan or Administrative Area.

7. Objectives

- (1) Develop, enhance, and expand the disease surveillance and response platforms.
- (2) Contribute to the development and sustainability of public health workforce by coordinating the field epidemiology and laboratory training programs and other public health trainings.

Develop and strengthen the laboratory systems and public health diagnostics.

- (3) Collaborate with relevant stakeholders to develop, enhance, and expand processes and structures to protect environmental, occupational, industrial health and reduce the burden of diseases and injuries.
- (4) Collaborate with universities, research institutions and other tertiary institutions to conduct and coordinate public health and medical research to inform improved public health policies and interventions.
- (5) Establish and maintain an incident management system and emergency operations centers.
- (6) Serve as focal point for all IHR related activities in South Sudan.

8. Structure of the Institute

The Institute shall be comprised of two Directorates Technical and Administration and Finance.

- (1) Directorate of Technical Services which shall comprise of:
 - (a) Department of surveillance and disease intelligence
 - (b) Department of emergency preparedness and response;
 - (c) Department of public health research, training, monitoring and Evaluation;
 - (d) Department of Laboratory Systems and Networks.
- (2) Directorate of Administration and Finance which shall comprise of:
 - (a) Department of Administration and Human Resources;
 - (b) Department of finance, accounting, budgeting, auditing and resource mobilization;
 - (c) Department of procurement and logistics;
 - (d) Department of communication and information technology.

9. Powers and Functions of the Institute

The Institute shall perform and exercise the following powers and functions:

- (1) Provide leadership and direction to states, counties, payams and bomas on disease surveillance and outbreak response.
- (2) Ensure quarantine and isolation of all persons in the event of communicable diseases with potential public health threat.
- (3) Coordinate, develop, and maintain surveillance systems to collect, analyze, and

interpret health data to guide planning, inform policies and health interventions.

- (4) Collaborate with relevant government departments and (other)—agencies to implement communication strategies on public health issues and outbreak response.
- (5) Promote cooperation between South Sudan and other countries with regard to the epidemiological surveillance, management of public health events including strengthening cross border, regional, and global public health collaborations.
- (6) Recommend the declaration of public health emergency based on the disease outbreaks and public health data.
- (7) Strengthen capacity of the health workforce in disease detection, prevention, and control to reduce the burden of disease and disasters.
- (8) Strengthen advocacy, social mobilization and partnerships related to public health research.
- (9) Ensure quality management systems in reference laboratories.
- (10) Conduct periodic monitoring and evaluation programs on policies and interventions to ensure the targeted objectives.
- (11) Coordinate public health laboratory network for efficient and effective referral services.
- (12) Provide technical support to all spheres of government and other regulatory bodies on disease surveillance, prevention and control.
- (13) Conduct research to inform policy and guidelines on public health and develop processes for dissemination of research findings to key stakeholders.
- (14) Set up Institutional Review Board on public health, medical research and coordinate with other institutional review boards in the country, regional and international levels
- (15) Coordinate activities relevant to national specimen bio-banking.
- (16) Support and manage health risk mapping and risk assessment.

- (17) Cooperate with persons and institutions undertaking basic research in South Sudan and in other countries by the exchange of scientific knowledge;
- (18) Participate in joint research activities through operations with government departments, tertiary institutions, museums, scientists and any other scientific research bodies.
- (19) Produce and sell research products;
- (20) Collaborate with any other relevant institution in line with one health approach; and
- (21) Perform any other powers and functions as may be required by the Board.

CHAPTER III

GOVERNANCE STRUCTURES OF THE INSTITUTE

10. Governance of the Institute

The Institute shall Consist of the following structures:

- (1) The Board;
- (2) The Secretariat.

11. Composition of the Board

- (1) The Board shall be composed of nineteen (19) members as follows:
 - a) Representative from the Ministry of Health;
 - b) Representative from the ministry of Finance and Planning;
 - c) Representative from the Ministry of Livestock and Fisheries;
 - d) Representative from the Ministry of Higher Education (academia);
 - e) Representative from the Ministry Agriculture and Food Security;
 - f) Representative from the Ministry of Water Resources and Irrigation;
 - g) Representative from the Ministry of Environment;
 - h) Representative from the Ministry of Humanitarian and Disaster Management;
 - i) Representative from the Public Universities;
 - j) Representative of the Civil Society;
 - k) Representative from private sector;
 - l) Two (2) representatives from faith-based organizations;
 - m) Representatives from the Ministry of Wildlife Conservation and Tourism;
 - n) Representative from the Ministry of Defense and Veteran Affairs;
 - o) Representative from the Ministry of Interior;

- p) Representative from National Research Council;
- q) Representative from Doctors Union;
- r) Representative from Nurses and Midwives Council;
- s) Representative from the National Bureau of Statistics.

12. Eligibility for Appointment

A person shall be eligible for appointment as a member of the Board, if he or she fulfills the following requirements:

- (1) be a South Sudanese;
- (2) have the appropriate competences and experience;
- (3) be of sound mind;
- (4) not be an un-discharged bankrupt or insolvent;
- (5) not have been convicted of an offence involving fraud, dishonesty or moral turpitude..

13. Appointment of the Chairperson and Members of the Board

The Chairperson and members of the Board shall be appointed by the President of the Republic of South Sudan upon recommendation of the Minister.

14. Loss of Membership

A person shall lose membership of the Board under the following:

- (1) Violation of any of the conditions of eligibility;
- (2) Gross misconduct;
- (3) Resignation;.
- (4) Removal from office;
- (5) Incapacity to perform the functions of his or her office by the reasons of mental infirmity based on medical Commission reports;

- (6) Failure to attend three consecutive scheduled meetings without permission or for unacceptable reasons;
- (7) Conviction for an offence involving fraud, moral turpitude or dishonesty;
- (8) Death.

15. Tenure of the Board

The tenure of members of the Board shall be five years in the office, commencing from the date of their appointment, and may be eligible for re-appointment for one more term.

16. Powers and Functions of the Board

The Board shall exercise and perform the following:

- (1) Approve annual plans and programs of the Institute;
- (2) Ensure contracts, agreements, and memorandum of understanding with third parties, contractors, and agencies and shall be consistent with the global procurement practices and applicable laws;
- (3) Review and recommend annual budgets, strategic and operational plans of the Institute;
- (4) Recommend changes in the structure of the Institute according to the development and needs of the Institute;
- (5) Develop and Support strategies for resource mobilization for the Institute;
- (6) Receive and approve progress reports of the Institute from the Executive Director;
- (7) Review and adopt regulations, code of ethics as well as rules of procedures for the Board;
- (8). Recommend removal of a member of the board to the minister.

17. Remuneration of the Board Members

Members of the Board shall be paid sitting allowances and other entitlements as may be determined by the Institute in accordance with regulations.

18. Disclosure of Interest

Any member of the Board having a direct or indirect interest in any matter or proposal before the Board for consideration thereon, shall disclose to the Board the nature of that interest which connects him or her to such matter or proposal, and shall not participate in deliberation or decision passed by the Board concerning the same matter.

19. Powers and Functions of the Chairperson

- (1) Represent the Institute in official functions and occasions, nationally, regionally and internationally.
- (2) Presides over Board meetings.
- (3) Monitors and evaluate the performance of the Corporation.
- (4) Renders Annual Reports to the Minister.
- (5) Performs any other functions and duties as may be prescribed by any other Law.

20. Removal of the Chairperson of the Board

- (1) The Chairperson shall be removed from office by the President of The Republic of South Sudan, upon the recommendation of the Board through the Minister for the following reasons:
 - (a) Inability to perform functions of the office, due to mental infirmity, recommended by the Medical Commission;
 - (b) Gross misconduct;
 - (c) Incompetence and inefficiency;
 - (d) Absence without permission or sufficient cause for three consecutive meetings of the board;
 - (e) Conviction of an offense related to honesty and moral turpitude.
 - (f) Death.
- (2) In case the Chairperson of the Board is removed from office, resigns or dies, the successor shall be appointed within ninety (90) days, from the date of removal, resignation or death.

21. Secretariat

- (1) The institute shall have a secretariat to be headed by the Executive Director who shall be reporting to the Minister and the Board.
- (2) The secretariat shall be responsible for implementation of the decisions of the Board and daily management and operations of the Institute.
- (3) The secretariat shall comprise the following:
 - (a) the Executive Director;
 - (b) the Deputy Executive Directors;
 - (c) heads of departments;
 - (d) technical staff;
 - (e) administrative and support staff.
- (4) The recruitment of Secretariat employees shall be in accordance with Civil Service Act.
- (5) The secretariat may recommend to the board of directors to increase or decrease the departments when the need arises.

CHAPTER IV THE EXECUTIVE DIRECTOR AND DEPUTIES

22. Appointment of the Executive Director

- (1) The Institute shall have an Executive Director who shall be appointed by the Minister upon recommendation of the Board, on terms and conditions specified in his or her instrument of appointment.
- (2) The Executive Director shall be the Chief Executive Officer and a full-time employee of the Institute.
- (3) The Executive Director shall be a person of high moral character and proven integrity.

23. Qualifications and Competence of the Executive Director

The Executive Director shall have the following qualifications:

- (1) At least Master's degree in public health or bio-medical sciences;
- (2) Minimum of seven years of cognate work experience in a scientific or public health research setting with minimum of two years of management experience;
- (3) A clean record of public service;
- (4) A demonstrated track record of successful grant management;

- (5) Evidence of contributions to scientific knowledge through peer-reviewed publications.

24. Powers and Functions of the Executive Director

The Executive Director shall exercise and perform the following:

- (1) Be the Chief Executive Officer and carry out the day-to-day functions of the Institute.
- (2) Report the findings of public health disaster through the Minister to the President and National Legislative Assembly within a period of forty-eight (48) hours;
- (3) Report to the Minister and the Board on policy, technical and operational issues;
- (4) Initiate the process of recruitment of relevant employees in accordance with the Civil Service Act;
- (5) Ensure effective delivery of the Institute mandate as specified in this Act;
- (6) Formulate and develop internal guidelines and directives for an efficient and effective administration of the Institute;
- (7) Be responsible for effective infrastructural and human capacity development to efficiently carry out the core public health functions of the Institute;
- (8) Sign on behalf of the Institute all memoranda of understanding, contracts, and agreements with key stakeholders consistent with applicable laws;
- (9) Advise the Minister on health-related challenges;
- (10) Prepare the annual budgets draft, strategic and operational plans, and submit to the Board for approval;
- (11) Prepare and submit to the Board, quarterly progress reports on the implementation and the financial statement of the Institute;
- (12) Serve as the Secretary of the Board;
- (13) Coordinate with national, regional and international organizations for effective collaboration and resource mobilization;

- (14) Collect and disseminate important research findings to key stakeholders and general public;
- (15) Submit other reports as may be requested by the Minister from time to time on specific issues and programs;
- (16) Perform any other functions that may be assigned by the Minister or the Board.

25. Tenure of Office

The Executive Director shall serve for initial tenure of five (5) years and renewable for another one tenure based on satisfactory performance.

26. Resignation

The Executive Director may voluntarily resign by submitting a letter of resignation to the Board through the Minister, he or she shall give two months prior notice to the date of his or her resignation.

27. Suspension

The Executive Director shall be suspended by the Minister for cause upon the recommendation of a vote by two-thirds majority of the members of the Board.

28. Removal

The Executive Director shall be removed if he or she:

- (1) Fails to deliver his or her functions due to physical or mental incapacity, as certified by Medical Commission;
- (2) Abuse of office;
- (3) Misbehavior or misconduct;
- (4) Convicted of any crime by a court;
- (5) No longer a domicile in South Sudan.

29. Appointment of the Deputy Executive Directors

The Minister shall appoint two Deputies Executive Directors based on the recommendation of the Board, one for technical services and one for administration and finance.

30. Qualifications and competence of the Deputy Executive Director of Technical Services

The Deputy Executive Director of Technical Services shall have the following:

- (1) Minimum of Master's degree in public health or Health Sciences;
- (2) Minimum of five years of cognate work experience in a scientific or public health research setting with minimum of two (2) years of management experience;
- (3) A clean record of service;
- (4) A demonstrated track record of successful grant management;
- (5) Evidence of contributions to scientific knowledge through peer-reviewed publications.

31. Functions of the Deputy Executive Director for Technical Services

The Deputy Executive Director for Technical Services shall:

- (a) Serve as the Chief Scientist for the Institute;
- (b) Act in the absence of the Executive Director;
- (c) Report to the Executive Director;
- (d) Serve as supervisor for all technical or scientific departments;
- (e) Perform any other functions as assigned by the Executive Director or the Board.

32. Qualifications and competence of the Deputy Executive Director of Administration and Finance

The Deputy Executive Director of Administration must have the following:

- (a) A minimum of a master's or advanced degree or its equivalent in business administration, finance or related field;

- (b) A minimum of five years' work experience in Finance and Administration;
- (c) A clean record of service;
- (d) A demonstrated track record in management of grants.

33. Functions of the Deputy Executive Director for Administration and Finance

The Deputy Executive Director for Administration and Finance shall:

- (1) act as Executive Director in the absence of both the Executive Director and Deputy Executive Director of Technical Services.
- (2) Report to the Executive Director.
- (3) Serve as supervisor for the Financial and Administration departments.
- (4) Perform any other functions as assigned by the Executive Director or the Board.

**CHAPTER V
FINANCIAL PROVISIONS**

34. Sources of Funding for the Institute

The institute shall be funded through:

- (1) Budgetary allocation from the government;
- (2) Revenue from sale of research products;
- (3) Grants and donations;
- (4) Indirect costs or institutional charges on all grants;
- (5) Consultancy and services fees;
- (6) Cooperative agreements with other governments;
- (7) Intellectual property;
- (8) Investment; and
- (9) Any other legitimate source of funding.

35. Accounts and Audit

- (1) The Institute shall keep an accurate book account and records, in accordance with financial best practices.
- (2) Subject to the Board's approval, the Institute shall open and maintain accounts with the Bank of South Sudan and any other commercial bank for carrying out its affairs.
- (3) The accounts of the Institute shall be audited by the National Audit Chamber, any certified audit firm or external auditor authorized by the Auditor General in writing.

36. Reporting

The Executive Director shall submit annual report consisting of financial and programmatic information to the Board for onward submission through the Minister to the Council of Ministers and National Legislative Assembly.

**CHAPTER VI
MISCELLANEOUS PROVISIONS**

37. Intellectual Property

Ownership of intellectual property generated by persons employed by the Institute during their engagement shall vest in the Institute.

38. Confidentiality

- (1) Except as prescribed by the law, all related research information or findings, processes, research, techniques, or plans shall be kept confidential.
- (2) All information received by the relevant parties herein shall be kept confidential.
- (3) Members of the Board, the Executive Director, officers, employees of the Institute shall treat all information obtained in the course of their employment or engagement with the Institute strictly confidential.
- (4) The Institute shall ensure that its officers, employees, and all associates treat partners' information as confidential.
- (5) Any breach of the above confidentiality provisions shall be an offence.

39. Transitional Provision

Following the enactment of this Act, some of the following departments, Public Health Emergency Operations Centre, National Public Health Laboratory networks, Emergency Preparedness and Response, Department of Research and Ethics, the Department of Environmental and Occupational Health and any other department related to one health approach, shall be transferred to the Institute.

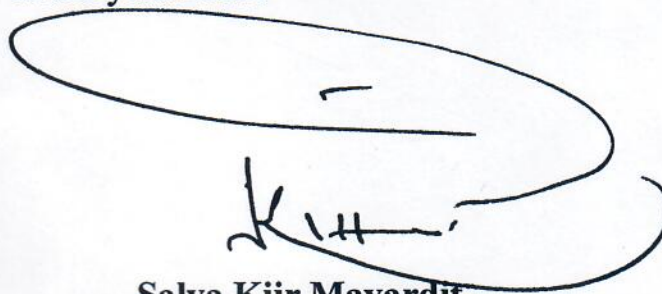
40. Regulations

The Minister may issue rules, regulations and procedures as may be necessary and appropriate for the effective and efficient implementation of the provisions of this Act upon the recommendation of the Board of Directors.

Assent of the President

In accordance with the provision of Article 85 (1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), I, Salva Kiir Mayardit, President of the Republic of South Sudan, hereby assent to the "National Public Health Institute Act, 2023", and sign it into law.

Signed under my hand and Seal of the Republic in Juba, this 7th day of the month of July in the year 2023.



**Salva Kiir Mayardit
President
Republic of South Sudan
RSS/Juba.**