

Decree No. (110) of 2006 AD
on the executive regulations of Law No. (5) of 1430 FBP
on organising national service
amended by Law No. (5) of 1372 FDP

The General People's Committee,

Upon review of:

- Law No. (1) of 1369 FDP on the People's Congresses and the People's Committees, and the executive regulations thereof;
- Law No. (13) of 1980 AD on social security and amendments thereto;
- Law No. (15) of 1980 AD on the salary system for national employees of the Socialist People's Libyan Arab Jamahiriya;
- Law No. (5) of 1430 FBP on organising national service;
- Law No. (5) of 1372 FDP amending an article of Law No. (5) of 1430 FBP;
- General People's Committee Decree No. (81) of 1372 FDP on the executive regulations of Law No. (5) of 1372 FDP amending and article of Law No. (5) of 1430 FBP on organising national service;
- General People's Committee for Justice Letter No. (2293) dated 5/9/1373 FDP;
- General People's Committee for Education Letter No. (375) dated 11/4/1374 FDP;
- The resolutions of the General People's Committee in its second ordinary meeting of 1369 FDP;
- The resolutions of the General People's Committee in its thirtieth ordinary meeting of 1373 FDP and its ninth and fourteenth ordinary meeting of 1374 FDP;

has decreed:

Article (1)

In the application of these regulations, national service shall mean the contribution of Libyans by providing free service to society for a period of time in the fields of education, health, defence, and other public service areas.

Article (2)

In the application of Article (2) of Law No. (5) of 1430 FBP, amended by Law No. (5) of 1372 FDP, eligible persons shall mean those holding one of the following degrees:

- a. Advanced and university degrees, degrees from advanced and associate institutes and centres and the like in the fields of education and health.
- b. Advanced and university degrees and degrees from advanced and associate institutes and centres and the like in the fields of other services where the conditions of national service in the Armed People are not applicable.

Article (3)

These regulations shall apply to those subject to National Service Law No. (5) of 1430 FBP that are not subject to the conditions of national service in the Armed People.

Those holding the credentials set out in Article (2) of these Regulations who belong to the following categories shall not be subject to performing national service, unless they submit a written request expressing their wish to perform the service:

- a. Persons who have reached retirement age.
- b. Housewives.
- c. Persons with a disability rating of sixty percent (60%).

Article (4)

Those holding specialised academic credentials in the fields of education and health shall be selected to perform national service in the field of their specialisation over other fields, and holders of specialized academic credentials in other specialisations who are found unfit to serve in the Armed People's shall perform national service in other fields.

The performance of national service in the field of defence in accordance with Law No. (5) of 1430 FBP and legislation prior thereto may not be combined with the performance of such service the fields of education and health or other service areas.

Article (5)

The performance of national service shall be in the form of working hours for a period of not more than one hundred forty-four hours (144) a year, to cover the stipulated national service period.

For those working in public administrative units and public bodies, institutions, and companies, such hours may not be performed during their official working hours except during their non-mandatory annual leave or vacation without salary, on condition that the bound party agrees to perform such.

Article (6)

- a. The period of national service previously performed without compensation in service and production fields in implementation of legislation prior to the issuance of the aforementioned Law No. (5) of 1430 FBP shall be calculated as part of the service period stipulated under these Regulations, and shall be deducted from such gradually until it is consumed.
- b. The annual leave period and the prior and current rights of workers in the health sector may be calculated as compensation for overtime work and the like as well as factors which, due to the nature of their work, require they be present after official working hours as part of the national service period, in accordance with the following conditions:
 1. They must be workers at public administrative units and public companies and establishments subject to national service.
 2. The concerned party must submit a written request for such.
 3. The calculation must be within the limits of the leave specified in the request.
 4. If the person subject to national service is a worker at a public company or establishment, the financial compensation for the leave must be transferred to the public treasury.
- c. Those subject to the preceding paragraph may not be assigned to national service until the leave contained in their request is used up.

Article (7)

Those workers at public administrative units subject to these Regulations may perform national service at their original workplaces, and persons performing national service may be used to make up for a shortage in public workplaces, with priority given to the original workplace.

Article (8)

Those subject to performing national service in the fields of education and health may pay five percent (5%) of their net annual income instead of performing national service.

For the purposes of the application of this Article, annual income shall be determined from the salary certificate or the Tax Authority Office records, as the case may be.

Article (9)

- a. The financial payment set out in Article (8) of these Regulations shall be collected by the district's Secretariat of the People's Committee for Finance for those subject to national service within the districts and from the Secretariat of the General People's Committee for Finance for workers in public sectors and public agencies, establishments, companies, institutions, and bodies and other free-standing administrative units.
- b. The Tax Authority shall collect said payment from workers at their own expense throughout the period in which they are obliged to perform national service.

Article (10)

Military coordinators shall forward monthly lists of the persons who have chosen to pay the financial payment set out in Article (8) of these Regulations. Such lists shall include all information related to such persons and information assisting in the implementation of these Regulations, including the date to commence deduction of the payment and the period thereof.

Article (11)

The division responsible for national service affairs in the sector and the like shall undertake the following:

- a. In coordination with the National Authority for Information and Documentation, determine those subject to national service in the sector and enter their names in special records prepared for this purpose, which shall include their information, credentials, specialisations, expertise, and place of residence, and propose their distribution to the sites referred to in the following paragraph.
- b. Propose the educational, health, or other service sites where national service is to be performed, in line with the credentials, specifications, expertise, and areas of residence of the aforementioned individuals subject to performing national service.
- c. Enter those wishing to pay a percentage of their income instead of performing national service in a special register.
- d. Monitor persons subject to performing national service, prepare periodic reports thereon, and identify persons who are refraining from or late in performing such and refer them to the competent bodies.
- e. Issue statements indicating performance of national service.

Article (12)

All persons subject to the national service provisions who are self-employed, employed by another, or not working shall submit a declaration to the division responsible for national service in their area of residence stating their educational level, specialisation, and scientific expertise, with documents indicating such attached. Failure to submit the aforementioned declaration shall be deemed a refusal to perform national service.

Article (13)

Workers must submit the declaration referred to in the previous Article within three months from the date these Regulations enter into force. Persons who are not working must submit the declaration within the set period or one month after they obtain the credential, as the case may be.

This provision shall not apply to those who are currently studying for university or advanced degrees until they finish their studies.

Article (14)

Public administrative bodies and public companies shall determine which of their workers are subject to performing national service in special records containing the information referred to in Article (11)(a) of these Regulations and forward such to the general military coordinator for distribution to the various service sites, observing the distribution controls set out in Article (11) of these Regulations.

Article (15)

The bodies where national service is performed shall establish a rotation system based on a timetable wherein those assigned to perform service at the bodies during the year are divided into groups and the sites and positions they are to hold during a set time is set out for each group.

Article (16)

The bodies where non-working individuals perform national service shall provide them with a means of transportation enabling them to reach the service location and return to their places of residence or grant them transportation compensation for such.

Article (17)

If those subject to national service fail to perform such in accordance with these Regulations, their salaries shall be suspended from their place of work and their licenses to engage in economic, service, professional, or other activities shall not be renewed or issued until they submit a statement indicating they have performed such in accordance with these Regulations.

Article (18)

The aforementioned General People's Committee Decree No. (81) of 1372 FDP (2004 AD) on the executive regulations of Law No. (5) of 1372 FDP amending an article of Law No. (5) of 1430 FBP on regulating national service and any other provision that conflicts with these Regulations shall be repealed.

Article (19)

These Regulations shall enter into force on the date of their issuance. They shall be implemented by the competent bodies and published in the Legal Register.

General People's Committee – Libya

Issued on 3 Rabi' al-Thani

Corresponding to 30/4/1374 FDP (2006 AD)