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## THE PRESIDENCY

No. 642

04 June 2020

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 26 of 2019: Foreign Service Act, 2019**

## HOFISI YA PRESIDENTE

No. 642

04 June 2020

Hi mi tivisa leswaku Presidente u amukerile nawu lowu wu phablixiweke ku andzisa utivi bya n'wina:—

**No 26 of 2019: Nawu wa Vukorhokeri bya swa Matiko ya le Handle, 2019**

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(English text signed by the President)  
(Assented to 26 May 2020)

# ACT

**To provide for the management, administration, accountability, and functioning of a professional Foreign Service of the Republic of South Africa; to provide for the operational requirements that are suitable and supportive of the operations of the Foreign Service in a global environment; and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## ARRANGEMENT OF SECTIONS

### *Sections*

1.	Definitions	5
2.	Application of Act	
3.	Foreign Service	
4.	Requirements for members of Foreign Service	
5.	Head of Mission	
6.	Recall of member of Foreign Service	10
7.	Diplomatic Academy	
8.	Establishment of coordination and other mechanisms	
9.	Immovable assets	
10.	Locally recruited personnel	
11.	Codes and directives	15
12.	Delegation of powers	
13.	Offences	
14.	Regulations	
15.	Short title and commencement	

### **Definitions** 20

1. In this Act, unless the context indicates otherwise—
  - “**acquire**” in relation to an immovable asset, means acquisition through construction, purchase, lease, acceptance of a gift outside the Republic or by any other lawful means, for use by the Foreign Service;
  - “**Department**” means the Department of International Relations and Cooperation; 25
  - “**Diplomatic Academy**” means the Diplomatic Academy as contemplated in section 7;
  - “**Director-General**” means the Director-General of the Department;
  - “**disposal**” means to sell, exchange or donate immovable assets in accordance with this Act; 30
  - “**employee**” means a person appointed to the Department or to any other national department in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), or any other legislation, and includes members of the Foreign Service;

(English text signed by the President)  
(Assented to 26 May 2020)

## NAWU

**Ku lulamisela vulawuri, mafambiselo, vutihlamuleri, na matirhelo ya Vukorhokeri bya swa Matiko ya le Handle bya Riphabliki ra Afrika-Dzonga; ku lulamisela swilaveko swa ku kota ku tirha leswi swi nga ringanela na ku seketela eka matirhelo ya Vukorhokeri bya swa Matiko ya le Handle eka xiyimo xa misava hinkwayo; na ku lulamisela timaka leti ti fambelanaka na swona.**

**W**U PASISIWE hi Palamende ya Riphabliki ra Afrika-Dzonga, hi ndlela leyi landzelaka: —

### MALONGOLOXELO YA SWIYENGE

#### Swiyenge

- |     |                                                                           |    |
|-----|---------------------------------------------------------------------------|----|
| 1.  | Tinhlamuselo                                                              | 5  |
| 2.  | Matirhiselo ya Nawu                                                       |    |
| 3.  | Vukorhokeri bya swa Matiko ya le Handle                                   |    |
| 4.  | Swilaveko swa swirho swa Vukorhokeri bya swa Matiko ya le Handle          |    |
| 5.  | Nhloko ya Mixini                                                          |    |
| 6.  | Ku vuyisela endzhaku xirho xa swa Vukorhokeri bya swa Matiko ya le Handle | 10 |
| 7.  | Ndhawu ya Vuleteri bya Madipilomatiki                                     |    |
| 8.  | Ku tumbuluxiwa ka ntirhisano na maendlelo ya n'wana                       |    |
| 9.  | Tinhundzu leti ti nga fambeki                                             |    |
| 10. | Mutirhi loyi a nga thoriwaka kwala etikweni                               |    |
| 11. | Tikhodi na swileriso                                                      | 15 |
| 12. | Ku rhulela matimba                                                        |    |
| 13. | Milandzu                                                                  |    |
| 14. | Swinawana                                                                 |    |
| 15. | Nhlamuselo yo koma na masungulo                                           |    |

#### Tinhlamuselo 20

1. Eka Nawu lowu, handle ka loko xiyimo xi kombisa swin'wanyana—
  - “**ku kuma**” mayelana na nhundzu leyi yi nga fambeki, swivula ku kuma hi ku aka, ku xava, ku lomba, ku pfumela nyiko ehandle ka Riphabliki kumbe ndlela yin'wana ya le nawini, eka ku tirhisa hi Matiko ya le Handle;
  - “**Ndzawulo**” swivula Ndzawulo leyi yi tirhanaka na swa Vuxaka bya matiko ya le handle na Ntirhisano;
  - “**Ndhawu ya Vuleteri bya Madipilomatiki**” Swivula ndhawu ya Vuleteri bya Madipilomatiki tani hi loko swi kombisiwile eka xiyenge xa 7;
  - “**Mulawurinkulu**” swivula Mulawurinkulu wa Ndzawulo;
  - “**ku vekisa**” swivula ku xavisa, ku ncicisa kumbe ku nyikela nhundzu leyi yi nga fambeki hi ku landzelela Nawu lowu;
  - “**muthoriwa**” swivula munhu loyi anga tholiwa eka Ndzawulo kumbe eka Ndzawulo yin'wana na yin'wana ya tiko kuya hi *Public Service Act, 1994* (Xitiviso

- “**foreign representations in the Republic**” means a foreign diplomatic mission, consular mission or liaison office as well as offices of international organisations in the Republic, accredited in terms of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001);
- “**Foreign Service**” means the Foreign Service of the Republic, as contemplated in section 3; 5
- “**GIAMA**” means the Government Immovable Asset Management Act, 2007 (Act No. 19 of 2007);
- “**Head of Mission**” means an Ambassador, High Commissioner, Consul-General, Permanent Representative, and any other person appointed to represent the Republic as such in terms of section 84(2)(i) of the Constitution and as also recognised by the Vienna Convention on Diplomatic Relations, 1961, signed at Vienna on 18 April 1961, the Vienna Convention on Consular Relations, 1963, signed at Vienna on 24 April 1963, the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946, as may be applicable in the Republic in accordance with the reservations made by South Africa upon its accession thereto, as well as the Convention on the Privileges and Immunities of the Specialised Agencies, adopted on 21 November 1947, as may be applicable in the Republic; 10 15
- “**immovable asset**” means land or an immovable structure on land, or rights in such land or immovable structure; 20
- “**member of the Foreign Service**” means a person who serves as a member of the Foreign Service and who is accredited to a foreign state as contemplated in section 3;
- “**Minister**” means the Minister of International Relations and Cooperation; 25
- “**national department**” means a national department and a national government component as referred to in section 7(2) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), and includes the South African Revenue Service;
- “**prescribed**” means prescribed by regulation in terms of section 14, or by codes or directives made by the Minister in terms of section 11; 30
- “**South African Mission**” means a diplomatic or consular mission of the Republic accredited to the foreign state where it is operating in terms of the Vienna Conventions, and to a liaison office, or to permanent representations of the Republic at international organisations and “mission” shall have a similar meaning; and 35
- “**this Act**” includes all its regulations, guidelines, codes and directives.

### Application of Act

2. (1) Subject to the provisions of this Act, the conditions of service of members of the Foreign Service must be governed by the law governing that employee’s conditions of service. 40

(2) Where this Act conflicts with the provisions of the Public Service Act, 1994, (Proclamation No. 103 of 1994), or any other legislation, and it is not possible to read the conflicting provisions as complementary to one another, this Act must prevail.

### Foreign Service

3. (1) (a) There is a Foreign Service that shall promote and advance the international relations and cooperation of the Republic by representing the Republic in an effective, coherent and comprehensive manner abroad. 45

xa 103 lembe ra 1994), kumbe nawu wun'wana na wun'wana, na swirho swa swa Vukorhokeri bya swa Matiko ya le Handle;

**“vuyimeri bya matiko ya le handle eka Riphabliki”** swivula dipilomatiki mixini ya matiko ya le handle, khonsula mixini kumbe muofisiri loyi a hlanganisaka xikan'we na tiofisi ta minhlangano ya matiko ya le handle eka Riphabliki, leswi swi tiyisisiweke hi ku ya hi *Diplomatic Immunities and Privileges Act*, 2001 (Nawu wa No. 37 lembe ra 2001);

**“Vukorhokeri bya swa Matiko ya le Handle”** swivula swa Vukorhokeri bya swa Matiko ya le Handle swa Riphabliki, tani hi loko swi xiyisisiwile eka xiyenge xa 3;

**“GIAMA”** swivula *Government Immovable Asset Management Act*, 2007 (Nawu wa No. 19 lembe ra 2007);

**“Nhloko ya Mixini”** swivula Ambasada, Khomixinarankulu, Khonsula-Jenerali, Vuyimeri bya nkarhi hinkwawo, na munhu un'wana na un'wana loyi a thoriweke ku ta yimela Riphabliki hi ndlela yaleyo hi ku ya hixiyenge xa 84(2)(i) xa Vumbiwa na kona a tekeriwa enhlokweni hi Minhlangano ya Vienna eka Vuxaka bya swa Dipilomatiki, 1961, lebyi byi sayiniweke eVienna hi ti 18 Dzivamisoko 1961, Nhlangano wa Vienna eka Vuxaka bya Khonsula, 1963, wu sayiniwi hi ti 24 Dzivamusoko 1963, nhlango eka Xinawana lexi xi Sirhelelaka Tiko eka ku khoma swirho swa Matiko yan'wana hindlela ya Xihlawuhlawu xa Matiko ya Misava, lexi xi pasisiweke hi ti 13 Nyenyenyana 1946, tani hiloko xi ta tirha eka Riphabliki, xikan'we na Mbhurisano eka Mikateko na Misirhelelo wa Minhlangano yo Hlawuleka, lexi xi pasisiweke hi ti 21 Hukuri 1947, tani hi loko xita tirha eka Riphabliki hi kuya hi xinawana lexi xi nga endlwiwa hi Afrika-Dzonga eka fikelelo wa rona ko kwalaho;

**“nhundzu leyi yi nga fambeki”** swivula misava kumbe xivumbiwa emisaveni lexi xi nga fambeki, kumbe timfanelo eka misava yaleyo kumbe xivumbiwa lexi xi nga fambeki;

**“xirho xa Vukorhokeri bya swa Matiko ya le Handle”** swivula munhu wun'wana na wun'wana loyi a tirhaka tani hi xirho xa swa Vukorhokeri bya swa Matiko ya le Handle loyi a nikiweke matimba eka tiko ra le handle tani hi loko swi kombisiwile eka xiyenge xa 3;

**“Holobye”** swivula Holobye loyi a tirhanaka na Vuxaka bya swa Matiko ya le Handle na Ntirhisano;

**“ndzawulo ya tiko”** swivula ndzawulo ya rixaka na xiyenge xa mfumo wa rixaka tani hi loko ku hlamuseriwa eka xiyenge xa 7(2) xa *Public Service Act*, 1994 (Xitiviso 103 xa 1994), na ku katsa Vukorhokeri bya Swibalo bya Afrika-Dzonga;

**“ku veka”** swivula ku vekiwa hi xinawana hi ku ya hi xiyenge xa 14, ku hi tikhodi kumbe xileriso lexi xi vekiweke hi Holobye hi ku ya hi xiyenge xa 11;

**“Mixini wa Afrika-Dyonga”** swivula dipilomatiki kumbe khonsula mixini wa Riphabliki lowu nyikiweke matimba eka matiko ya le handle laha wu tirhelaka kona hi ku ya hi Mbulavurisano wa Vienna na Mbulavurisano wa UN kumbe eka vuyimeri bya nkarhi hinkwawo bya Riphabliki eka minhlangano ya matiko ya le handle na “mixini” swifanele swi va na tinhlamuselo tofana; na

**“Nawu lowu”** wukatsa swinawana, swiletelo, tikhodi na swileriso.

### Matirhiselo ya Nawu

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2. (1) Hikwalaho ka malulamiso ya Nawu lowu, swiyimo swa vukorhokeri bya swirho swa Vukorhokeri bya Matiko ya le Handle swi fanele swi lawuliwa hi nawu lowu wu lawulaka swiyimo swa mutirhi yaloye swa vukorhokeri.

(2) Laha Nawu lowu wu hlanganeke na malulamiso ya *Public Service Act* 1994, (Xitiviso xa No. 103 lembe ra 1994), kumbe nawu wun'wana na wun'wana, nakona swa endleka ku hlaya kwetlembetano wa malulamiso tani hi loko wu kombisiwile eka un'wana, Nawu lowu wu fanele wu tirha.

### Vukorhokeri bya swa Matiko ya le Handle

3. (1) (a) Ku na Vukorhokeri bya swa Matiko ya le Handle lebyi byi fanelaka ku tlakusa na ku ndlandlamuxa vuxaka bya matiko ya misava na ntirhisano bya Riphabliki hi ku yimela Riphabliki hi ku hetiseka, ntwanano na ntwisisano hi ndlela leyi anameke.

(b) The Department is responsible for conducting and coordinating the international relations and cooperation of the Republic at bilateral, regional and multilateral levels through the Foreign Service abroad and through interactions with foreign representatives in the Republic, in accordance with the foreign policy of the Republic.

(2) The Foreign Service consists of all South African Missions and those persons who serve in a position in the South African Missions, including Heads of Mission, and who are accredited to a foreign state for the period of time that they hold that position, regardless of whether they are ordinarily employed by the Department or by any other national department or appointed on a contractual basis for a fixed period.

(3) The Foreign Service is managed and administered by the Department and to this end the Department must—

- (a) administer all foreign representations in the Republic;
- (b) lead the coordination and alignment of the Republic's international relations between all spheres of government;
- (c) render protocol services to designated foreign and national dignitaries as prescribed;
- (d) render consular services in line with the Guidelines for the Provision of Consular Services;
- (e) act as the custodian of international agreements to which the Republic is a party, as well as of the national reports submitted in accordance with international obligations and render legal advice to government on all matters related to international law;
- (f) conduct all diplomatic communications between the Republic and foreign states, international organisations or entities; and
- (g) perform any other functions required for the effective management and administration of the Foreign Service.

#### Requirements for members of Foreign Service

4. (1) Except for the appointment of locally recruited personnel to serve at a South African Mission, only citizens of the Republic, employed by the Department or by another national department, or appointed on a contractual basis for a fixed period, who meet the prescribed requirements, are eligible to become a member of the Foreign Service.

(2) The head of a national department must, in writing, notify the Director-General of an employee who has approval from that national department to be transferred to a South African Mission.

(3) A member of the Foreign Service may not take up a position at a South African Mission until such time—

- (a) as he or she has successfully completed the prescribed mandatory training requirements;
- (b) as he or she has met the prescribed requirements for such transfer;
- (c) as he or she has obtained a security clearance as issued by a competent authority; and
- (d) that the approval for the transfer has been granted by the Director-General.

#### Head of Mission

5. (1) The Head of Mission is responsible for the management and administration of the Mission and all members of the Foreign Service located at the Mission, including the locally recruited personnel in the Mission.

(2) The Head of Mission must act on the instructions and under the authority of the Director-General.

(3) All Heads of Mission—

- (a) must be fit and proper persons;
- (b) may have relevant knowledge, skills and experience; and
- (c) must reflect broadly the diversity of South Africa.

(b) Ndzawulo yi tirhana na ku khoma na ku fambisa vuxaka bya matiko na ntirhisano eka bayileterali, xifundza na xiyimo xa malitiletherali hi swa Vukorhokeri bya swa Matiko ya le Handle ehandle ka tiko na hi tirhisano na vuyimeri bya le matikweni ya le handle eka Riphabliki, mayelana na pholisi ya swa matiko ya le handle ya Riphabliki.

(2) Vukorhokeri bya swa Matiko ya le Handle byi na Timixini hinkwato ta Afrika-Dzonga na vanhu lava tirhaka eka swivandla eka Timixini ta Afrika-Dzonga, ku katsa na Tihloko ta Mixini na kona leti ti nyikiweke matimba eka tikor a le handle swa karhi wo karhi lowu vanga khoma xivandla xexo, hambi loko va thoriwile ntsena hi Ndzawulo kumbe hi ndzawulo ya rixaka kumbe a thoriwile swa xinkarhana swa nkarhi wokarhi.

(3) Vukorhokeri bya swa Matiko ya le Handle byi lawuriwa na ku fambisiwa hi Ndzawulo na kona kuta fika sweswi Ndzawulo yi fanele—

- (a) ku fambisa vayimeri va matiko ya le handle hinkwavo eka Rhiphabliki;
- (b) ku rhangela tirhisano na vuolori bya swa vuxaka bya swa matiko ya le handle bya Rhiphabliki exikarhi ka swiyenge hinkwaswo swa mfumo;
- (c) nyika vukorhokeri bya xinawu eka vachaviseki lava va hlawuriweke va matiko ya le handle tani hi loko swi vekiwile;
- (d) nyika vukorhokeri hi ku landzelela Swiletelo swa Lulamiso ra Vukorhokeri bya Khonsula;
- (e) tirha tanihi mulanguteri wa mintwanano ya matiko ya misava leyi Afrika-Dzonga ri nga xiyenge xa wona, ku katsa na tirhipoto ta tiko leti andlariweke hi ku landza mintwanano leyi na matiko ya misava, na ku nyika mfumo switsundzuxo swa xinawu eka timhaka hinkwato leti fambelanaka na milawu ya matiko ya misava;
- (f) kucetela mimbulavurisano hinkwayo ya xidipilomatiki exikarhi ka Rhiphabliki na matiko ya le handle, minhlangano kumbe swiyenge swa matiko; na
- (g) tirha ntirho wun'wana na wun'wana lowu wu lavekaka eka vurhangeri na vufambisi lebyinene bya Vukorhokeri bya Matiko ya le Handle.

#### **Swilaveko swa swirho swa Vukorhokeri bya swa Matiko ya le Handle**

4. (1) Handle ka ku thoriwa ka kwala tikweni ka vatirhi lava va tholeriwaka ku ta korhoka eka Mixini wa Afrika-Dzonga, i vaaka tiko va Riphabliki ntsena, lava va thoriweke kumbe ku thoriwa eka mintwanano ya nkarhi wo karhi leyi yi vekiweke hi Ndzawulo kumbe hi ndzawulo yin'wana ya lava va fikeleleke swilaveko leswi swi vekiweke, va nga fanela ku va swirho swa swa Vukorhokeri bya swa Matiko ya le Handle.

(2) Nhloko ya ndzawulo ya tiko hikwaro yi fanele, hi ku tsala, yi tivisa Mulawurinkulu hi muthoriwa loyi a nga na pfumelelo ku suka eka dzawulo ya tiko hikwaro ku hundziseriwa eka Mixini wa Afrika-Dzonga.

(3) Xirho xa Vukorhokeri bya Matiko ya le Handle xi nga ka xi nga teki xiyimo eka Mixini wa Afrika-Dzonga ku kondza ku fika nkarhi lowu—

- (a) tani hi loko fikelela ku heta swilaveko leswi swi bohaka swa vuleteri;
- (b) tani hi loko a fikelela swilaveko swa ku hundziseriwa koloko;
- (c) tani hi loko a kumile pfumelelo wa nsirhelelo ku suka eka xirho lexi xi nga ringanela; na
- (d) leswaku pfumelelo wa hundzisele walowow wu nyikiwile hi Mulawurinkulu.

#### **Nhloko ya Mixini**

5. (1) Nhloko ya Mixini yi tirhana na vufambisi na vulawuri bya Mixini na swirho hinkwaswo swa Vukorhokeri bya swa Matiko ya le Handle leswi nga eka Mixini, ku katsa na vatirhi lava va tholiwaka kwala Mixini yi nga kona.

(2) Nhloko ya Mixini yi fanele yi tirha hi kuya hi swinawana na kona ehansi ka matimba ya Mulawurinkulu.

(3) Hinkwato Tihloko ta Mixini—

- (a) tifanele tiva vanhu lava va nga ringanela na ku lulama;
- (b) ti nga va na vutivi lebyi byi faneleke, vuswikoti na ntokoto; na
- (c) ti fanele ti kombisa hi ku anama ku hamabana ka tixaka ta Afrika-Dzonga.

### Recall of member of Foreign Service

6. (1) A member of the Foreign Service may be recalled to the Republic by the Director-General if, after an inquiry in the prescribed manner, such a member is found guilty of misconduct in terms of the disciplinary code applicable to that member.
- (2) A member of the Foreign Service under investigation for misconduct in terms of subsection (1) may be recalled to the Republic by the Director-General pending the finalisation of such inquiry. 5
- (3) An act constituting misconduct and which is committed outside the Republic by a member of the Foreign Service must be deemed to have been committed in the Republic. 10
- (4) The inquiry contemplated in subsection (1) may be held in the Republic or where the member of the Foreign Service concerned was transferred. 10
- (5) (a) A member of the Foreign Service must be recalled to the Republic by the Director-General—
- (i) when the Republic ceases to have diplomatic or consular representation in the foreign State where the member was transferred; 15
  - (ii) if the member is declared *persona non grata* by the State where that member was transferred; or
  - (iii) at the request of the State where that member was transferred.
- (b) A member of the Foreign Service may be recalled to the Republic, where such circumstances arise that would warrant the recall of that member, in the interest of the Republic. 20
- (6) A member of the Foreign Service may be recalled to the Republic at the request of that member.
- (7) With the exception of subsection (5), the Director-General may only recall a member of the Foreign Service that is employed by a national department other than the Department on written request from the head of the national department where that member is employed. 25

### Diplomatic Academy

7. (1) The Diplomatic Academy, under the control and management of the Department, is responsible for— 30
- (a) providing the prescribed mandatory training for members of the Foreign Service as contemplated in section 4(3);
  - (b) providing any training, or causing such training to be provided to employees and to members of the Foreign Service;
  - (c) conducting such tests and examinations, or causing such tests and examinations to be conducted, as the Minister may prescribe; and 35
  - (d) issuing of diplomas or certificates or cause diplomas or certificates to be issued to persons who have passed such examinations.
- (2) The Diplomatic Academy may cooperate with any institution of higher learning and other experts in the Republic or elsewhere to achieve its objectives. 40
- (3) The Diplomatic Academy may assist with training requirements of foreign states as may be agreed to by the Department and the foreign state involved in accordance with its international programmes.
- (4) The Diplomatic Academy may provide training or cause training to be provided, to any other person, on the written request by a head of an organ of state. 45
- (5) The accreditation and recognition of the Diplomatic Academy's qualifications must be done in accordance with the provisions of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and the Skills Development Act, 1998 (Act No. 97 of 1998), or any other applicable legislation intended to enhance skills and qualifications in the public service. 50



**Ku vuyisela endzhaku xirho xa swa Vukorhokeri bya swa Matiko ya le Handle**

6. (1) Xirho xa Vukorhokeri bya swa Matiko ya le Handle xi nga vuyisiwa eka Riphabliki hi Mulawurinkulu loko, endzhaku ka ndzavisiso eka maendlelo lawa ya faneleke, xo voniwa nandzu hi matikhomelo lawa ya nga fanelangiki hi ku ya hi khodi ya matshinyelo leyi yi nga tirhisiwaka eka xirho. 5

(2) Xirho xa swa Vukorhokeri bya swa Matiko ya le Handle lexi xi nga eku lavisisiweni hikwalaho ka matikhomelo lawa ya nga fanelangiki hi kuya hi xiyengetsongo (1) xi nga vuyiseriwa eka Riphabliki loko ndzavisiso wa muxaka walowo waha hetisisiwa.

(3) Endlelo leri ri endlaka maendlelo yoka yanga ri kahle na kona ri endlaweke ehandle ka Riphabliki hi xirho xa Vukorhokeri bya swa Matiko ya le Handle ri fanele ri tekiwa tanihi loko ri endliwile eka Riphabliki. 10

(4) Ndzavisiso lowu wu khumbhiweke eka xiyenge xa (1) wu nga endlwiwa Riphabliki kumbe laha xirho xa swa Vukorhokeri bya swa Matiko ya le Handle xi nga hundziseriwa kona. 15

(5) (a) Xirho xa swa Vukorhokeri bya swa Matiko ya le Handle xi fanele xi vuyiseriwa endzhaku etikweni hi Mulawurinkulu—

- (i) loko Riphabliki ri gimeta ku va na vuyimeri bya xidipilomatiki kumbe vuxaka bya swa mabindzu na Tiko rero ra le handle laha xirho xi nga rhumeriwa kona;
- (ii) loko xirho xi tekiwile tani hi munhu loyi a nga amukelekiki eka tiko rero xi nga rhumeriwa eka rona; kumbe 20
- (iii) eka xikombelo xa Tiko leri xirho xi nga rhumeriwa eka rona.

(b) Xirho xa swa Vukorhokeri bya swa Matiko ya le Handle xi nga vuyiseriwa eka Riphabliki, laha swiyimo sweswo swi nga humelelaka laha swi nga ta endla leswaku xirho xi vuyiseriwa endzhaku, eka ku vuyeriwa ka Riphabliki. 25

(6) Xirho xa swa Vukorhokeri bya swa Matiko ya le Handle xi nga vuyiseriwa eka Riphabliki ela xikombelo xa xirho xexo.

(7) Loko ku nga katsiwi xiyengetsongo xa (5), Mulawurinkulu a nga vuyisa xirho xa swa Vukorhokeri bya swa Matiko ya le Handle lexi xi nga thoriwa hi Ndzawulo ya tiko handle ka Ndzawulo leyi yi nga eka xikombelo lexi xi tsariweke ku suka eka nhloko ya ndzawulo ya tiko laha xirho xexo xi nga thoriwa. 30

**Ndhawu ya Vuleteri bya Madipilomatiki**

7. (1) Ndhawu ya Vuleteri bya Madipilomatiki ehansi ka vulawuri na vufambisi bya Ndzawulo byi tirhana na—

- (a) ku nyika vuleteri lebyi byi vekiweke lebyi byi boheke eka swirho swa vukorhokeri bya Matiko ya le Handle tani hi loko swi kombisiwile eka xiyenge xa 4(3); 35
- (b) ku nyika vuleteri byin'wana na byin'wana kumbe ku endla leswaku vuleteri byebyo byi nyikiwa eka vatirhi na swirho swa swa Vukorhokeri bya swa Matiko ya le Handle; 40
- (c) ku endla swikambelwana na swikambelo swo karhi kumbe ku endla leswaku swikambelo yaleyo yi endlwiwa, tani hiloko Holobye anga lerisa; na
- (d) ku nyika tidipiloma na switifikheti kumbe ku endla leswaku tidipiloma na switifikheti swi nyikiwa eka munhu loyi a nga pasa swikambelo sweswo.

(2) Ndhawu ya Vuleteri bya Madipilomatiki yi nga tirhisana na xiyenge xa xin'wana na dyondzo ya le henhla na vatokoti van'wana eka xiyenge eka Riphabliki kumbe kun'wana ku fikelela swikongomelo. 45

(3) Ndhawu ya Vuleteri bya Madipilomatiki yi nga pfuna hi swilaveko swa vuleteri swa matiko ya n'wana tani hiloko va nga twanana tani hi Ndzawulo na matiko ya n'wana na ya n'wana ya le handle lawa ya tekaka xiave kuya hi minongonoko ya yona ya swa matiko ya le handle. 50

(4) Ndhawu ya Vuleteri bya Madipilomatiki yi nga nyika vuleteri kumbe ku endla leswaku vuleteri byi nyikiwa, eka munhu un'wana, eka xikombelo xa ku tsariwa hi nhloko ya xirho xa tiko.

(5) Ku tiyisisiwa na ku tekeliwa enhlokweni ka mbhumambhumelo wa Ndhawu ya Vuleteri bya Madipilomatiki wu fanele wu endlwiwa kuya hi malulamiso ya *National Qualifications Framework Act, 2008* (Nawu wa No. 67 lembe ra 2008), na *Skills Development Act, 1998* (Nawu wa No. 97 lembe ra 1998), kumbe nawu wun'wana na wun'wana lowu wu nga tirhisiwaka hi xikongomelo xo ndlandlamuxa vuswikoti na mbhumambhumelo eka vukorhokeri bya vaaki. 55 60

### Establishment of coordination and other mechanisms

8. (1) The Minister may establish such consultative, coordination and other mechanisms as may be necessary for the effective execution of this Act.

(2) The Consultative Forum for International Relations is the national intergovernmental forum, as contemplated in section 9(1) of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), through which international relations for the Republic is coordinated. 5

(3) The Minister may, by notice in the *Gazette*, issue guidelines regarding the coordination and alignment of activities relating to international relations between all spheres of government. 10

### Immovable assets

9. (1) Notwithstanding the provisions of section 4(1)(a) of GIAMA, the Minister is the custodian of all immovable assets outside the Republic which was acquired for use by the Foreign Service.

(2) The Minister must act as caretaker of the immovable assets under his or her custodianship and must acquire and manage such immovable assets as contemplated in section 13(1) and (2) of GIAMA, in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and any other applicable law. 15

(3) Notwithstanding the provisions of sections 4(2)(b)(i) and 13(3)(b) of GIAMA, the Minister may dispose of immovable assets under his or her custodianship in accordance with this Act and any other applicable law, after consultation with the Minister of Public Works and the Minister of Finance. 20

(4) A decision to dispose of any immovable asset must—

- (a) be in the interest of the effective management of the Foreign Service;
- (b) be to the benefit of the Republic in order to achieve the best functional, financial, economic and social return or benefit from the disposal of the immovable asset; and 25
- (c) take into account the value of the immovable asset.

### Locally recruited personnel

10. Any person, including South African citizens, who are authorised to work in terms of the laws of a foreign state may be employed as locally recruited personnel at a South African Mission in that foreign state. 30

### Codes and directives

11. (1) Subject to any collective agreement applicable to the Foreign Service, the Minister may make any code or prescribe any ancillary or incidental administrative, management or procedural matter that is necessary to prescribe for the proper administration and management of the Foreign Service and its members which is consistent with this Act after consultation with any other relevant national department: Provided that a determination involving expenditure from revenue shall be made in consultation with the Minister of Finance. 35 40

(2) The Minister may issue directives which are consistent with this Act, to elucidate or supplement any regulation.

(3) A code or directive contemplated in subsections (1) and (2) may be included in codes to be called the Foreign Service Administration Manual and the Code of Conduct for the Foreign Service or any other code that may be adopted. 45

(4) The codes and directives contemplated in this section are binding upon the Foreign Service and its members.

**Ku tumbuluxiwa ka ntirhisano na maendlelo ya n'wana**

8. (1) Holobye a nga tumbuluxa vutihlanganisi byebyo, tirhisano na maendlelo loko ingi ya nga va na nkoka eka ku tirhisiwa loku ku vuyerisaka ka Nawu lowu.

(2) Foramu ya Nhlango eka Vuxaka bya Matiko ya Misava i foramu ya mfumohlanganelo ya tiko hikwaro, tani hi loko swi kombisiwile eka xiyenge xa 9(1) xa *Intergovernmental Relations Framework Act*, 2005 (Nawu wa No. 13 lembe ra 2005), laha vuxaka bya matiko ya misava bya Riphabliki byi fambisiwaka. 5

(3) Holobye a nga, hi xitiviso eka Gazete, nyika swiletelo mayelana na tirhisano na ku olola migingiriko leyi fambelanaka na vuxaka bya matiko ya le handle exikarhi ka swiyenge hikwaswo swa mfumo. 10

**Tinhundzu leti ti nga fambeki**

9. (1) Ku nga tsan'wiwi malulamiso ya xiyenge xa 4(1)(a) xa GIAMA, Holobye u rhwala vutihlamuleri bya tinhundzu leti ti nga fambeki hikwato leti ti nga handle ka Afrika-Dzonga leti ti nga kumeriwa ku ti tirhisa hi Vukorhokeri bya Matiko ya le Handle. 15

(2) Holobye u fanele a tirha tani hi muhlayisi wa nhundzu leyi yi nga fambeki leyi yi nga ehansi ka vuhlayisi bya yena na kona u fanele a kuma na ku fambisa nhundzu yaleyo yi nga fambeki tani hi loko swi kombisiwile eka xiyenge xa 13 (1) na (2) swa GIAMA, hi ku ya hi *Public Finance Management Act*, 1999 (Nawu wa No. 1 lembe ra 1999), na nawu wun'wana na wun'wana lowu wu nga tirhaka. 20

(3) Ku nga tsan'wiwi malulamiso ya xiyenge xa 4(2)(b)(i) na 13(3)(b) swa GIAMA, Holobye a nga fambisa nhundzu leyi yi nga fambeki leyi yi nga eka vutihlamuleri bya yena hi ku landzelela Nawu na nawu wun'wana na wun'wana, endzaku ka ku tihlanganisa na Holobye wa Mitirho ya Vaaki na Holobye wa swa Mali. 20

(4) Xiboho xa ku fambisa nhundzu yin'wana na yin'wana leyi yi nga fambeki xifanele xi— 25

(a) va eka ku vuyeriwa ka mafambiselo lawa yanene ya Vukorhokeri bya swa Matiko ya le Handle;

(b) va eka ku vuyeriwa ka Riphabliki ku kota ku fikelela matirhelo ya xiyimo xa le henhla, mali, ikhonomi na ku vuyeriwa ka vaaka kumbe ku vuyeriwa eka ku fambisa nhundzu leyi yi nga fambeki; na 30

(c) ku tekela enhlokweni ntikelo wa mali wa nhundzu leyi yi nga fambeki.

**Mutirhi loyi a nga thoriwaka kwala etikweni**

10. Munhu un'wana na un'wana, ku katsa na vaaka va Afrika-Dzonga, lava va nga pfumelerwa ku tirha hi ku ya hi nawu wa matiko ya le handle a nga thoriwa ku tirha tani hi mutirhi loyi a thoriwaka kwala tikweni eka Mixini wa Afrika-Dzonga eka tiko rero ra le handle. 35

**Tikhodi na swileriso**

11. (1) Nhlokomhaka eka ntwanano wun'wana na wun'wana wo angarhela lowu wu tirhaka eka Vukorhokeri bya swa Matiko ya le Handle, Holobye anga endla yin'wana na yin'wana, tikhodi kumbe ku veka munhu loyi a nga ta nyika nsetelo eka nghingiriko wokarhi kumbe xiyimo xa mafambiselo na vulawuri bya Vukorhokeri bya swa Matiko ya le Handle na swirho swa byona leswi swi nga fambelaniki na Nawu endzaku ka ku tihlanganisa na ndzawulo yin'wana na yin'wana leyi yi faneleke ya tiko: Ntsena loko hlamuselo leyi katsaka matirhiselo ya swatimali kusuka eka swibalo yi fanele yiendliwa hiku tihlanganisa na Holobye wa swa timali. 40 45

(2) Holobye a nga humesa swinawana leswi swi nga hambanangiki na Nawu, ku hlamusela hi ndlela yo olova kumbe ku engetela swinawana swin'wana na swin'wana.

(3) Khodi yin'wana na yin'wana kumbe xileriso lexi xi humeseliwaka ehandle eka xiyengentsongo (1) na (2) swi nga katsiwa eka tikhodi swi vitaniwa Manyuwali ya Vufambisi bya swa Vukorhokeri bya Matiko ya le Handle na Khodi ya matikhomelo ya Vukorhokeri bya swa Matiko ya le Handle kumbe khodi yin'wana na yin'wana leyi yi nga tirhisiwaka. 50

(4) Tikhodi na swinawana leswi swi humeseliweke ehandle eka xiyenge swa boha eka swa Vukorhokeri bya swa Matiko ya le Handle na swirho swa swona. 55

**Delegation of powers**

- 12.** (1) The Minister may—
- (a) delegate to the Director-General any power conferred on the Minister by this Act, except the powers contemplated in section 14; or
  - (b) authorise the Director-General to perform any duty imposed on the Minister by this Act. 5
- (2) The Director-General may delegate any power conferred upon or duty assigned to him or her in terms of this Act to any member of the Foreign Service excluding any power or duty delegated under subsection (1).
- (3) A person to whom a power has been delegated or who has been authorised to perform a duty under this section must exercise that power or perform that duty subject to the conditions the person who made the delegation or granted the authorisation considers appropriate. 10
- (4) A delegation of a power or authorisation to perform a duty in terms of this section— 15
- (a) must be in writing;
  - (b) does not prevent the person who made the delegation or granted the authorisation from exercising that power or performing that duty himself or herself; and
  - (c) may at any time be withdrawn in writing by that person. 20

**Offences**

- 13.** (1) A member of the Foreign Service may be prosecuted in the Republic for the offence committed in the territory of a foreign state in accordance with section 110A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Any person who, under the false pretense of being a member of the Foreign Service, engages in any activity that a member of the Foreign Service would engage in their ordinary course of duty on behalf of the Republic is guilty of an offence and liable on conviction to a fine or to imprisonment. 25
- (3) Any person who by means of a false certificate or any false representation purports to comply with the requirements of section 4 of this Act and is transferred to a South African Mission is guilty of an offence and liable on conviction to a fine or to imprisonment. 30
- (4) A member of the Foreign Service who, by virtue of being a member of the Foreign Service, uses resources of the Republic for their own financial benefit, is guilty of an offence and liable on conviction to a fine or to imprisonment. 35
- (5) Any member of the Foreign Service whose verbal or physical conduct brings the Republic into disrepute is guilty of an offence and liable on conviction to a fine or imprisonment.

**Regulations**

- 14.** (1) The Minister may make regulations regarding— 40
- (a) the transfer of a member of the Foreign Service, conditions of service applicable to the members of the Foreign Service, categories of members of the Foreign Service, disciplinary matters, adjustment of allowances of members of the Foreign Service transferred to South African Missions;
  - (b) the prescribed mandatory training for members of the Foreign Service as contemplated in section 4(3); 45
  - (c) the training requirements of employees and members of the Foreign Service;
  - (d) the prescribed oath that members of the Foreign Service are required to take before taking up their positions abroad;

**Ku rhulela matimba**

12. (1) Holobye a nga—

(a) rhulela eka Mulawurinkulu matimba yan'wana na yan'wana lawa ya nyikiweke eka Holobye hi Nawu lowu, handle ka matimba lawa ya kombisiweke eka xiyenge xa 14; kumbe 5

(b) pfumelela Mulawurinkulu ku tirha tirho wun'wana na wun'wana lowu wu nyikiweke Holobye hi Nawu lowu.

(2) Mulawurinkulu a nga rhumela matimba yan'wana na yan'wana ehenhla kumbe ntirho lowu wu nyikiweke yena hi kumbe ehansi ka Nawu eka xirho xa Vukorhokeri bya swa Matiko ya le Handle ku katsa na matimba yan'wana na yan'wana kumbe ntirho lowu rhumeliweke ehansi ka xiyengentsongo (1). 10

(3) Munhu un'wana na un'wana loyi eka yena matimba ya nga rhuleriwa kumbe loyi anga na matimba ya ku tirha ntirho ehansi ka xiyenge lexi u fanele a tirhisa matimba yalawo kumbe a tirha tirho ku ya hi swiyimo leswi munhu loyi a nyikeke vurhumiwa kumbe anyikeke matimba avonaka swifanerile. 15

(4) Ku rhulela matimba kumbe pfumelelo wa ku tirha ntirho ku ya hi xiyenge lexi—

(a) swifanele swi va swi tsariwile;

(b) a swi siveli munhu loyi a nga rhulela vutihlamuleri kumbe ku nyika matimba eka ku tirhisa matimba yalawo kumbe ku tirha ntirho walowo hi yexe; na

(c) ya nga herisiwa hi ku tsala nkarhi wun'wana na wun'wana hi munhu ya loye. 20

**Milandzu**

13. (1) Tani hi xirho xa swa Vukorhokeri bya swa Matiko ya le Handle a nga khomiwa eka Riphabliki hi nandzu lowi wu endlweke eka tiko rin'wana ra le handle leri ri nga henhla hi kuya hi xiyenge xa with section 110A xa *Criminal Procedure Act, 1977* (Nawu wa No. 51 lembe ra 1977). 25

(2) Munhu un'wana na un'wana loyi, ehansi ka ku endla ingari I xirho xa Vukorhokeri bya Matiko ya le Handle, a nghenelela eka vukorhokeri lebyi xirho xa Matiko ya le Handle a xi ta nghenelela eka byona eka vutihlamuleri bya vona bya tolovelo bya ntirho hi ku yimela Riphabliki u na nandzu na kona u fanerile ku khotswiwa eka xigwevo kumbe eka khotso. 30

(3) Munhu un'wana na un'wana loyi hi ndlela ya xitifikhethi lexi xi nga ri ki xa ntiyiso kumbe kumbe ndlela yin'wana na yin'wana leyi yi nga ri ki ya ntiyiso a nga ringeta ku landzelela swilaveko swa xiyenge xa 4 xa Nawu lowu nakona a yisiwa eka Mixini wa Afrika-Dzonga u na nandzu na kona u fanerile ku khotswiwa eka xigwevo kumbe eka khotso. 35

(4) Xirho xa Vukorhokeri bya Matiko ya le Handle lexi, hikwalaho ka ku va xirho xa Matiko ya le Handle, xitirhisa switirhisiwa swa Riphabliki eka ku vuyeriwa ka xona n'winyi swa mali, xi na nandzu na kona u fanerile ku khotswiwa eka xigwevo kumbe eka khotso.

(5) Xirho xin'wana na xin'wana xa Vukorhokeri bya Matiko ya le Handle lexi matikhomelo ya xona ya ku vulavula kumbe xiyimo ya yisaka Riphabliki eka xiyimo xa kuka ri nga hlonipheki xi na nandzu na kona u fanerile ku khotswiwa eka xigwevo kumbe eka khotso. 40

**Swinawana**

14. (1) Holobye anga nyika swinawana mayelana na— 45

(a) ku hundzisela ka xirho xa swa Vukorhokeri bya swa Matiko ya le Handle, swipimelo swa vukorhokeri lebyi byi nga tirhaka eka swirho swa swa Vukorhokeri bya swa Matiko ya le Handle, nxanxameto wa swirho swa swa Vukorhokeri bya swa Matiko ya le Handle, timhaka ta matshinyelo, engetelo wa mpimo lowu nyikiwaka swirho swa swa Vukorhokeri bya swa Matiko ya le Handle leswi swi hundziselwaka eka Timixini ta Afrika-Dzonga; 50

(b) vuleteri lebyi byi vekiweke lebyi byi boheke eka swirho swa vukorhokeri bya Matiko ya le Handle tani hi loko swi kombisiwile eka xiyenge xa 4(3);

(c) swilaveko swa vuleteri swa vatrhi na swirho swa swa Vukorhokeri bya swa Matiko ya le Handle; 55

(d) ku tiboha loku ku vekiweke loku swirho swa swa Vukorhokeri bya swa Matiko ya le Handle swi faneleke ku ku teka swi nga si teka swivandla ehandle ka matiko;

- (e) the security requirements of the Foreign Service, in consultation with the Minister of State Security;
- (f) the management and administration of the Foreign Service by the Department;
- (g) the secondment of an employee to the service of a foreign state or entity, establishment, institution or organisation outside the Republic; or 5
- (h) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) A regulation made in terms of this section with reference to members of the Foreign Service must be published in the *Gazette*, except regulations relating to security matters which must be notified to all to whom it applies in such a manner as the Minister may determine. 10

(3) The Minister may by regulation provide for any matter relevant to the Foreign Service, taking into account the difficulties and hazards of life in the Foreign Service, the special circumstances abroad and to suit the varying requirements of the operation of the Foreign Service around the globe. 15

#### Short title and commencement

**15.** (1) This Act is called the Foreign Service Act, 2019, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 20

(2) The date of coming into force and effect of section 4(3) shall be determined by the President by proclamation in the *Gazette*.

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- (e) swilaveko swa sirhelelo swa swa Vukorhokeri bya swa Matiko ya le Handle, hi ku tihlanganisa na Holobye wa Vusirheleri bya Tiko;
- (f) Vulawuri na vufambisi bya swa Vukorhokeri bya swa Matiko ya le Handle hi Ndzawulo;
- (g) nseketelo wa mutirhi eka ku korhokela matiko ya le handle kumbe xan'wanchumu, ntumbuluxo, vandla kumbe nhlango ehandle ka Riphabliki; kumbe 5
- (h) anisilari yin'wanana na yin'wana kumbe mafambiselo lawa ya humeleke kumbe maendlelo ya swilo lawa ya nga na nkoka ku veka mahumeleriso lawa ya faneleke kumbe Nawu wa mafambiselo. 10

(2) Xileriso lexi xiendliweke hi ku ya hi xiyenge lexi hi ku fananisa na swirho swa swa Vukorhokeri bya swa Matiko ya le Handle xi fanele kandziyisiwi eka *Gazete* na handle ka swinawana leswi swi fambelanaka na timhaka na vusirheleri lexi xi xifaneleke xi tivisiwa eka hinkwavo lava xitirhaka eka vona hi maendlelo lawa Holobye anga mavekaka. 15

(3) Holobye a nga hi xileriso a lulamisela mhaka yin'wana na yin'wana leyi yi nga fambelanaka na swa Vukorhokeri bya swa Matiko ya le Handle, a karhi a tekela enhlokweni kutikeriwa na tinghozi ta vutomi eka Vukorhokeri bya swa Matiko ya le Handle, ngopfu ngopfu eka swiyimo swa le handle ka tiko na ku ecenyeta ku hambana ka swilaveko swa matirhelo ya Vukorhokeri bya swa Matiko ya le Handle misava hinkwayo. 20

#### **Nhlamuselo yo koma na masungulo**

**15.** (1) Nawu lowu wu vitaniwa Nawu wa Vukorhokeri bya swa Matiko ya le Handle, 2019, nakona wu sungula kutirha eka siku leri ri vekiweke hi Presidente hi xitiviso eka *Gazete*. 25

(2) Siku ra ku sungula ku tirha ka xiyenge xa 4(3) ri fanele ri vekiwa hi Presidente hi xitiviso eka *Gazete*.

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