



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

**Vol. 521 Cape Town**

**27 November 2008**

**No. 31649**

## **THE PRESIDENCY**

No. 1284

27 November 2008

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

**No. 35 of 2008: Diplomatic Immunities and Privileges Amendment Act, 2008.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)  
(Assented to 25 November 2008.)

# ACT

To amend the Diplomatic Immunities and Privileges Act, 2001, so as to amend the definition of “member of a family”; to provide that the Minister must make the list of all the names on the register of persons entitled to immunities or privileges publicly available; and to provide that a certificate by the Director-General stating a fact relating to any question as to whether or not a person enjoys immunity or privilege in terms of the said Act is *prima facie* evidence of that fact; and to provide for matters connected therewith.

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

**Amendment of section 2 of Act 37 of 2001**

1. Section 2 of the Diplomatic Immunities and Privileges Act, 2001 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph: 5

“(b) ‘member of a family’ means—

- (i) the spouse;
- (ii) any **[unmarried]** dependant child under the age of **[21]** 18 years;
- (iii) any **[unmarried child between the ages of 21 and 23 years who is** 10  
**undertaking full-time studies at an educational institution]** other  
dependant family member, officially recognised as such by the sending  
State or the United Nations, a specialised agency or an international  
organisation; and
- (iv) **[any other unmarried child or other family member officially** 15  
**recognised as a dependant member of the family by the government**  
**of the sending State, the United Nations, a specialised agency or**  
**organisation]** the life partner, officially recognised as such by the  
sending State or the United Nations, a specialised agency or an  
international organisation. 20

and **[who is issued with a diplomatic or official passport]**, if applicable, ‘spouses and relatives dependant’ has the same meaning.”.

**Amendment of section 9 of Act 37 of 2001**

2. Section 9 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) The Minister must cause a complete list of all persons on the register to be published **[at least once a year in the *Gazette*]** on the Website of the Department of Foreign Affairs, and must cause the list to be updated as frequently as may be necessary, and made publicly available. 5

(3) If **[in any proceedings in a court of law]** any question arises as to whether or not any person enjoys any immunity or privilege under this Act or the Conventions, a certificate under the hand or issued under the authority of the Director-General stating any fact relating to that question, is *prima facie* evidence of that fact.”. 10

**Short title and commencement**

3. This Act is called the Diplomatic Immunities and Privileges Amendment Act, 2008, and takes effect on a date to be determined by the President by proclamation in the *Gazette*. 15