

## PROCLAMATIONS • PROKLAMASIES

## PROCLAMATION 87 OF 2022

*by the**President of the Republic of South Africa*

## COMMENCEMENT OF FOREIGN SERVICE ACT, 2019 (ACT NO. 26 OF 2019)

Under section 15 of the Foreign Service Act, 2019 (Act No. 26 of 2019), I hereby determine 25 August 2022 as the date on which the said Act shall come into operation, as well as the date of coming into force and effect of section 4(3).

Given under my hand and the Seal of the Republic of South Africa at Johannesburg on this 16 day of August  
Two Thousand and Twenty-two.

  
**President**

By Order of the President-in-Cabinet:

  
**Minister of the Cabinet**

**Xitiviso**  
**hi**  
**Presidente wa Riphabliki ra Afrika-Dzonga**

No. R. \_\_\_\_\_, 20\_\_\_\_

**KU SUNGULA KU TIRHA KA NAWU WA VUKORHOKERI BYA SWA MATIKO YA  
LE HANDLE, 2019 (NAWU WA NO. 26 LEMBE RA 2019)**

Ehansi ka xiyenge xa 15 xa Nawu wa Vukorhokeri Bya swa Matiko ya le handle, 2019 (Nawu wa no. 26 lembe ra 2019), hi mina loyi ni vekaka 25 Mhawuri 2022 tani hi siku leri eka rona Nawu lowu wu vuliwaka wu faneleke ku sungula ku tirha, xikan'we tani hi siku ra ku sungula kuva na matimba na ku tirha ka xiyenge xa 4(3).

Nyikiwa ehansi ka voko ra mina na ntiyisiso wa Riphabliki ra Afrika-Dzonga eka Johannesburg hi ti 16 siku ra Mhawuri  
Magidimbirhimbirhi.

**Presidete**

Hi xileriso xa Presidente eka Khabinete:

*G.N.M. Pandor*  
**Holobye wa Khabinete**

**DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION**

NO R [.....]

[DAY MONTH] 2022

**FOREIGN SERVICE ACT, 2019 (ACT NO. 26 OF 2019)****FOREIGN SERVICE REGULATIONS, 2022**

I, Dr Grace Naledi Mandisa Pandor, Minister of International Relations and Cooperation, in terms of section 14 of the Foreign Service Act, 2019 (Act No.26 of 2019), hereby make the Regulations in the Schedule.

**DR GRACE NALEDI MANDISA PANDOR, MP****MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION****DATE:** 2-8-2022

**SCHEDULE**  
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## CHAPTER 1

### GENERAL PROVISIONS

#### Definitions

1. In these Regulations a word or expression to which a meaning is assigned in the Act bears the meaning so assigned, and unless the context otherwise indicates-

"official" means a person employed by the Department; and

"the Act" means the Foreign Service Act, 2019 (Act No. 26 of 2019).

## CHAPTER 2

### PROTOCOL SERVICES

#### Protocol Services

2. (1) Protocol Services must be rendered to foreign and national dignitaries designated by the Director-General upon recommendation of the Chief of State Protocol.

(2) The Protocol Services that are to be rendered to such designated foreign and national dignitaries will be determined by the Director-General.

## CHAPTER 3

## **ELIGIBILITY REQUIREMENTS TO APPLY FOR A POSITION ABROAD**

### **Eligibility requirements**

3. (1) In order to be eligible to apply to be appointed as a member of the Foreign Service, employees must –
- (a) have successfully completed probation required in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), or any other applicable legislation;
  - (b) be in possession of a valid Top Secret Security Clearance;
  - (c) have a satisfactory performance record; and
  - (d) have successfully completed the training as required by regulations 4 and 5.
- (2) For persons appointed on contract, sub-regulations (1) (b) and (d) will apply.

## **CHAPTER 4**

### **PRESCRIBED MANDATORY TRAINING REQUIREMENTS**

#### **Prescribed mandatory training prior to application for a position abroad**

4. (1) In order to be eligible to apply to serve abroad and appointment as a member of the Foreign Service, an employee must successfully complete one of the following training programmes:
- (a) The Diplomatic Training Programme for a position in the diplomatic service as Counsellor / First Secretary / Second Secretary / Third Secretary (Political);
  - (b) The Mission Administration Programme for a position in the corporate service as Counsellor / First Secretary / Second Secretary (Administration);
  - (c) The Foreign Administration Attaché Course for a position in the corporate service as Third Secretary (Administration); or
  - (d) Occupation specific training for a position in an occupation specific position abroad at the specialised unit where the official is employed.
- (2) National departments, other than the Department, may require departmental specific training programmes for any position staffed by such national department.

#### **Prescribed training prior to taking up a position abroad**

5. (1) No person will be transferred unless that person has successfully completed the Mission Preparation Programme, except an official who, for

operational requirements, needs to take up a position in a temporary capacity for less than six (6) months.

- (2) Notwithstanding sub-regulation (1), a person appointed as Head of Mission or Minister Plenipotentiary is not required to complete the Mission Preparation Programme, but must successfully complete the applicable Programme for designated Heads of Mission and for Ministers Plenipotentiary.

## CHAPTER 5

### TRANSFER, DISCIPLINE AND RECALL

#### Transfer requirements for taking up a position abroad

6. (1) A person who has been appointed to a position at a South African Mission, will only be allowed to take up the position if the following requirements have been complied with:
- (a) Submission of contract of appointment or transfer letter signed by the Head of Department of the Department of international Relations and Cooperation, or her or his delegate;
  - (b) submission of certificate confirming that all training requirements have been completed successfully;
  - (c) submission of the requisite handover report;

- (d) confirmation by the relevant Directorate of the Department that the official has attended briefing sessions arranged by the Branch;
- (e) confirmation by the Head of the Branch in the Department that a person appointed as Head of Mission at a Mission for which the Branch is responsible has attended the briefing sessions arranged by the responsible Branch; and
- (f) all administrative requirements.

### **Disciplinary matters**

7. The disciplinary inquiry contemplated in section 6(1) of the Act must be conducted in terms of the disciplinary code applicable to that member of the Foreign Service.

### **Recall in terms of sections 6(5) and 6(6) of the Act**

8. (1) For purposes of a recall contemplated in sections 6(5) and 6(6) of the Act, the Director-General must notify the member of the Foreign Service in writing of the recall stating the reasons therefor and, in relation to officials, the date and alternative place to report for duty.
- (2) Upon recall, the accreditation and immunities and privileges of such member of the Foreign Service will cease to apply and the conditions of

service applicable for serving abroad will terminate, unless otherwise stated in the notice of recall.

## **CHAPTER 6**

### **TRANSITIONAL ARRANGEMENTS**

#### **Transitional arrangements**

9. (1) Any person other than a person recruited locally at a South African Mission, who, at the time of entry into force of the Act, is serving in a position at a South African Mission, is deemed to be a member of the Foreign Service for the purposes of the Act and its Regulations.
- (2) Any person who has completed the training required before the commencement of the Act and its Regulations, will be deemed to have complied with Regulation 5(1).
- (3) The terms and conditions for service abroad applicable to members of the Foreign Service at the time of the coming into operation of this Act and its Regulations will continue to apply, until amended through the prescribed departmental procedures.

(4) Any existing inter-departmental agreement or memorandum of understanding concluded between the Department and any other national department that regulates the transfer of their employees to serve at South African Missions will remain in force to the extent that its provisions are not in conflict with these Regulations and that, notwithstanding any provision contained in such agreement or memorandum, the terms thereof will be implemented only to the extent that there is no conflict with the Act or its Regulations.

(5) The Administrative Code for the Foreign Service is deemed to be the Foreign Service Administration Manual contemplated in section 11(3) of the Act and will remain in effect until such time as a new Foreign Service Administration Manual is issued.

#### **Short title and commencement**

10. These Regulations are called the “Foreign Service Regulations, 2022”, and will come into operation on the date of promulgation in the *Government Gazette*.



**XEDULU**  
**MALONGOLOXIWELO YA SWINAWANA**

**KAVANYISA KA 1**  
**MALULAMISELO YO ANGARHELA**

1. Swilaveko

**KAVANYISA KA 2**  
**MAENDLELO YA SWA VUKORHOKERI**

2. Maendlelo ya swa Vukorhokeri

**KAVANYISA KA 3**  
**KU RINGANELA KA SWILAVEKO SWA KU ENDLA XIKOMBELO EKA**  
**XIVANDLA XA NTIRHO XA LE HANDLE**

3. Ku ringanela ka swilaveko

**KAVANYISA KA 4**  
**SWILAVEKO SWA VULETERI LEBYI BYI BOHAKA LEBYI BYI VEKIWEKE**

4. Vuleteri lebyi byi bohaka lebyi byi vekiweke u nga si endla xikombelo eka xivandla xa ntirho ehandle ka matiko
5. Vuleteri lebyi byi vekiweke u nga si endla xikombelo eka xivandla xa ntirho ehandle ka matiko

**KAVANYISA KA 5****KU HUNDZISELA, KU TSHINYA NA KU VUYISELA ENDZHAKU**

6. Swilaveko swo hundzisela eka ku teka xivandla xa ntirho eka matiko ya le handle
7. Timhaka ta vutshinyi
8. Ku vuyisela endzhaku hi ku ya hi swiyenge swa 6 (5) na 6 (6) swa Nawu

**KAVANYISA KA 6****MALULAMISELO YA NKARHI WO HUNDZULUXA**

9. Malulamiso ya nkarhi wo hundzuluxa
10. Nhlokomhaka yo kona na ku sungula ku tirha

**KAVANYISA KA 1**  
**MALULAMISELO YO ANGARHELA**

**Tinhlamuselo**

1. Eka Swinawa leswi rito kumbe nhlamuselo leyi eka yona nhlamuselo yi nyikiweke eka Nawu yi nyikaka nhlamuselo leyi ku nga yona yi nyikiweke, na handle ka loko mongo wa mhaka wu kombisa hi ndlela yin'wana-

"mutirhi" swi vula munhu loyi a tholiweke hi Ndzawulo; na

"Nawu" swi vula Nawu wa Vukorhokeri bya swa Matiko ya le Handle, 2019 (Nawu wa No. 26 lembe ra 2019).

**KAVANYISA KA 2**  
**MAENDLELO YA SWA VUKORHOKERI**

**Maendlelo ya swa Vukorhokeri**

2. (1) Maendlelo ya swa Vukorhokeri ya fanelele ya endliwa eka vahlonipheki vo hlawuleka ya matiko ya le handle na ya kwala tikweni hi Mulawurinkulu endzhaku ka mbhumambhumelo wa Nkulukumba wa Tiko wa swa Maendle.

- (2) Maendlelo ya swa Vukorhokeri lawa ya faneleke ya nyikiwa eka vahlonipheki vo hlawuleka ya matiko ya le handle na ya kwala tikweni ya ta bohiwa hi Mulawurinkulu.

### **KAVANYISA KA 3**

#### **KU RINGANELA KA SWILAVEKO SWA KU ENDLA XIKOMBELO EKA XIVANDLA XA NTIRHO XA LE HANDLE**

- (1) Ku kota ku ringanela ku endla xikombelo ku ta thoriwa tani hi xirho xa vukorhokeri bya swa matiko yale handle, vathoriwa vafanele—
- (a) Kuva va fikelerile ka xinkarhana lexi bohiweke hikuya hi kumbe nawu wun'wana na wun'wana lowu fambelanaka. Va hetile hi ku hetiseka nkarhi wa vuleteri bya ntirho lowu wu lavekaka hi ku ya hi *Public Service Act, 1994* (Xitiviso xa No. 103 lembe ra 1994), kumbe nawu wun'wana na wun'wana lowu wu nga tirhaka;
  - (b) Kuva u tamerile mbhasiso wa ku kota ku hlayisa xihundla xa xiyimo xa le henhla xa vuhlayiseki.
  - (c) Ku va na vumbhoni bya matirhelo la wa enetisaka; na
  - (d) Ku va va humelerile ka ku fikelela swipimelo swa 4 na 5
- (2) Eka vanhu lava thoriweke swa xinkarhani, swinawan leswintsongo (1) (b) na (d) swi ta tirha.

**KAVANYISA KA 4****SWILAVEKO SWA VULETERI LEBYI BYI BOHAKA LEBYI BYI VEKIWEKE**

**Vuleteri lebyi byi bohaka lebyi byi vekiweke u nga si endla xikombelo eka xivandla xa ntirho ehandle ka matiko**

4. (1) Ku kota ku ringanela ku endla xikombelo xa ku korhoka eka matiko ya le handle na ku thoriwa tani hi xirho xa swa Vukorhokeri bya Matiko ya le Handle, muthoriwa u fanele a hetahi ku hetiseka xin'we xa minongonoko ya swa vuleteri leyi yi landzelaka:

(a) Nongonoko wa Vuleteri bya swa Vudipilomatiki eka xivandla xa vukorhokeri bya swa dipilomatiki tani hi mukhaselara / Matsalani wo Sungula / Matsalani wa Vumbirhi / Matsalani wa vunharhu (Xipolitiki);

(b) Nongonoko wa Mafambiselo ya swa Mixini eka xivandla eka vukorhokeri bya bindzu ra xiyenge tani hi mukhaselara / Matsalani wo Sungula / Matsalani wa Vumbirhi / Matsalani wa vunharhu (Mafambiselo);

(c) Khoso leyi yi khomanisiweke ya Vufambisi bya swa matiko ya le Handle eka xivandla eka vukorhokeri bya bindzu ra xiyenge tani hi Matsalani wa vunharhu (Mafambiselo); kumbe

(d) Vuleteri lebyi byi fambelanaka na Ntirho lowu a wu tirhaka eka xivandla xa ntirho wo karhi lowu a wu tirhaka ehandle ka matiko eka xiyenge xo hlawuleka laha muthirhi a nga thoriwa.

(2) Tindzawulo ta Mfumo wa le xikarhi, handle ka Ndzawulo, ti nga lava minongonoko yo ya ndzawulo ya vuleteri byo karhi eka xiyenge xin'wana na xin'wana lexi vatirhi va xona va nga va ndzawulo ya mfumo wa le xikarhi wo karhi.

**Vuleteri lebyi byi vekiweke u nga si endla xikombelo eka xivandla xa ntirho ehandle ka matiko**

5.

(1) aku na munhu anga ta hundziseriwa emahlweni handle ka loko a humelerile ka ku hetisa mixini wa nongonoko wo tilulamisela, handle ka mutirhi loyi, hikuya hi swiboho swa mafambiselo, a faneleke ku teka xivandla xa nkarhinyana xa ku ringana ntsevu (6) wa tinh'weti.

(2) ku ngari ku tsan'wa swinawana-ntsongo (1), munhu loyi a thoriweke tani hi nhloko ya Mixini kumbe holobyenkulu anga boheki ku va a hetisisile/ ngenela Mixini wa nongonoko wo ti lulamisela, kambe va fanele ku va va fikelerile swilaveko swa nongonoko lowu hlawuleriweke xinfumo Tinhloko ta mixini na tiholobyenkulu.

**KAVANYISA KA 5**  
**KU HUNDZISELA, KU TSHINYA NA KU VUYISELA ENDZHAKU**

**Swilaveko swo hundzisela eka ku teka xivandla xa ntirho eka matiko ya le handle**

6. (1) Munhu loyi a nga thoriwa eka xiandla eka Mixini ya Afrika-Dzonga, u ta pfumeleriwa ntsena ku teka xivandla loko swilaveko leswi swi landzelaka swi landzeleriwili:
- (a) Ku yisa kondiraka ya ku thoriwa kumbe papila ro hundzisela leri ri sayiniweke hi Nhloko ya Ndzawulo ya Ndzawulo ya Nzawulo ya Vuxaka bya Matiko ya Misava na Ntirhisano, kumbe varhumiwa va yena;
- (b) Ku yisa xitifikheti lexi xi tiyisisaka leswaku swilaveko swa vuleteri swi hetiwile hi ku hetiseka;
- (c) Ku yisa xiviko lexi xi bohaka xa ku siyela van'wana ntirho;
- (d) ku tiyisisa hi Xiyenge lexi xi faneleke xa Ndzawulo leswaku mutirhi u endlile swiphemu swo koma leswi swi lulamisiweke hi Rhavi;
- (e) ku ntiyisisa hi Nhloko ya Rhavi eka Ndzawulo leswaku munhu loyi a thoriweke tani hi Nhloko ya Mixini eka Mixini lowu eka wona Rhavi leri ri nga vutihlamuleri ri endlile swiphemu swo koma leswi swi lulamisiweke hi Rhavi leri ri tirhanaka na swona; na
- (f) swilaveko hi nkwaswo swa mafambiselo.

**Timhaka ta vutshinyi**

7. Timhaka ta vutshinyi leti ti kongomisiweke eka xiyenge xa 6 (1) xa Nawu ti fanele ti endliwa hi ku ya hi nawu wa vutshinyi lowu wu tirhaka eka xirho xa Vukorhokeri bya Matiko ya le Handle.

**Ku vuyisela endzhaku hi ku ya hi swiyenge swa 6 (5) na 6 (6) swa Nawu**

8. (1) Eka xikongomelo xa ku vuyisela endzhaku lexi xi kongomisiweke eka swiyenge swa 6 (5) na 6 (6) swa Nawu, Mulawuli jenerala u fanele a tivisa Vukorhokeri bya Matiko ya le Handle hi ku tsala hi ku vuyisela endzhaku a kombisa swivangelo ko kwalaho na, eka mayelana na vatirhi, siku na ndhawu yin'wana leyi a nga ta vika eka yona mayelana na tirho.

(2) Eka ku vuyiseriwa endzhaku, ku tekeriwa enhenhla na nsirhelelo na timfanelo ta swirho sweswo swa Vukorhokeri bya swa Matiko ya le Handle swi ta hela ku tirha nakona swiyimo swa vukorhokeri leswi swi tirhaka eka ku korhokela ematikweni ya le handle swi ta hela, handle ka loko swi kombisiwile eka xitiviso xa ku vuyisela endzhaku.



**KAVANYISA KA 6**  
**MALULAMISELO YA NKARHI WO HUNDZULUXA**

**Malulamiselelo ya nkarhi wo hundzuluxa**

9. (1) Munhu un'wana na un'wana handle ka munhu loyi a tholiweke kwla tikweni eka Mixini ya Afrika-Dznga, loyi, eka nkarhi nghena eka ku sungula ku tirha ka Nawu, a korhokela eka xivandla xo karhi eka Mixini ya Afrika-Dznga, u tekiwa a ri xirho xa Vukorhokeri bya Matiko ya le Handle eka xikongomelo xa Nawu na Swinawana swa xona.
- (2) Munhu un'wana na un'wana loyi a nga heta swilaveko swa vuleteri lebyi byi lavekaka ku nga sis ungula ku tirha ka Nawu na Swinawana, u ta tekiwa a landzelerili na Xinawana xa 5(1).
- (3) swipimelo na swibumabumelo swa mintirho yale handle leswi lawulaka swirho swa mintirho yale handle enkarhini wa ku sungula ku tirha ka nawu lowu na swipimelo swa wona swi taya emahlweni swi tirhisiwa,ku ta fika lahaswi nga ta antswisiwa hi maendlelo ya ndzawulo lawa ya bohiweke.
- (4) ntwanano wun'wana na wun'wana lowu nga kona exikarhi ka ndzawulo kumbe swiboho swa ku twisisana leswi nga fikeleriwa exikarhi ka ndzawulo na ndzwulo yin'wana na yin'wana ya mfumo wa lexikarhi leyi lawulakaku

fambisiwa ka vatirhi va yona kuya eka Mixini wa Afrika-Dzonga yi ta tshama yiri na matimba ku fikela laha matirhelo ya yona aya lwisani na swipimeloleswi na leswiya,ku nga ri na ku kavanyeta ka malulamiso ya leswi nga kona ka ntwanano walowo kumbe papila ra swiboho,swibumabumelo swi ta endliwa ntsena loko swi nga lwisani na nawu kumbe swipimelo swa wona.

(5) ndlela ya mafambiselo ya swa mintirho ya le handle ya voniwa tani himaendlelo ya mafambiselo ya mintirho ya le handle leyi nga tsariwaka xiyenge xa 11(3)ya nawu naswona wu ta tshama wukarhi wa tirha ku fikela nkarhi lowu maendlelo ya mafambiselo yantshwa ya swa mintirho ya swa lehandle ya nyikiwa.

**Nhlokomhaka yo kona na ku sungula ku tirhaNhlamuselo yo koma na ku sungula ku tirha**

10. Swinawana leswi swi vitaniwa "Swinawana swa Vukorhokeri bya swa Matiko ya le Handle, 2022", nakona swi ta sungula ku tirha eka siku ra ku tivisiwa eka *Gazete ya Mfumo*.