

**DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATIONS**

NO. 2195

24 June 2022

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

The Minister of International Relations and Cooperation intends, in terms of section 14 of the Foreign Service Act, 2019 (Act No.26 of 2019), to make the Regulations in the Schedule.

Interested persons are invited to submit, within ten business days from the date of the publication of this Notice, any written comments or representations on the proposed Regulations to the Director-General, Department of International Relations and Cooperation, Private Bag X152, Pretoria, 0001 (for attention of Adv JGS de Wet, or by email to [jelem@dirco.gov.za](mailto:jelem@dirco.gov.za)).

**MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION**

DATE 30-5-2022.

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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*.