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**REPUBLIC OF SOUTH AFRICA**

# GOVERNMENT GAZETTE

# STAATSKOERANT

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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DEPARTMENT OF THE PRIME MINISTER

No. 960. 17 May 1978.

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

No. 61 of 1978: Diplomatic Privileges Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 960. 17 Mei 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 61 van 1978: Wysigingswet op Diplomatieke Voorregte, 1978.

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## ALGEMENE VERDUIDELIKENDE NOTA:

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

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# WET

**Tot wysiging van die Wet op Diplomatieke Voorregte, 1951, ten einde die organisasies en instellings ten opsigte waarvan sekere immuniteite besit word, nader te omskryf; voorsiening te maak vir die verlening van sekere immuniteite, regte en voorregte aan sekere persone; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Engelse teks deur die Staatspresident geteken.)*
*(Goedgekeur op 2 Mei 1978.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 71 van 1951, soos gewysig deur artikel 61 van Wet 69 van 1962.

**1.** Artikel 1 van die Wet op Diplomatieke Voorregte, 1951 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „persoon" deur die volgende omskrywing te vervang:

„ ‚persoon' ook enige **[openbare internasionale]** organisasie of **[openbare internasionale]** instelling **[waarvan die Republiek 'n lid is]** wat kragtens artikel 2 deur die Minister erken is, en so 'n organisasie of instelling is, vir sover dit in ooreenstemming is met die dokument waardeur dit in die lewe geroep is, in die Republiek met die regsbevoegdhede van 'n regspersoon beklee;".

Wysiging van artikel 2 van Wet 71 van 1951.

**2.** Artikel 2 van die Hoofwet word gewysig deur paragraaf *(d)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(d)* 'n **[openbare internasionale]** organisasie of **[openbare internasionale]** instelling **[waarvan die Republiek 'n lid is]** wat deur die Minister vir die doeleindes van hierdie paragraaf erken is, die lede, agente of amptenare van en afgevaardigdes na sulke organisasies of instellings, asook die permanente verteenwoordigers van ander regerings by sulke organisasies of instellings, tesame met hulle vroue of minderjarige kinders, vir sover dit bepaal is in enige konvensie of ooreenkoms waarby die Regering van die Republiek 'n party is;".

Invoeging van artikel 2A in Wet 71 van 1951.

**3.** Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

„Immuniteite, regte en voorregte van persone verbonde aan konsulêre sendings, beroeps-konsulêre beamptes en sekere ander persone.

**2A.** (1) Beroeps- konsulêre beamptes, handelsverteenwoordigers en ander persone verbonde aan of in diens van 'n konsulêre sending of so 'n beampte of verteenwoordiger besit die immuniteite, regte en voorregte wat hulle ooreenkomstig die bepalings van die een of ander wet of 'n ooreenkoms ingevolge subartikel (2) of die erkende beginsels van die volkereg besit.

(2) Die Staatspresident kan op 'n grondslag van wederkerigheid en op die voorwaardes wat hy goed

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## GENERAL EXPLANATORY NOTE:

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

# ACT

**To amend the Diplomatic Privileges Act, 1951, so as to further define the organizations and institutions in respect of which certain immunities are enjoyed; to provide for the granting of certain immunities, rights and privileges to certain persons; and to provide for matters connected therewith.**

*(English text signed by the State President.)*
*(Assented to 2 May 1978.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 71 of 1951, as amended by section 61 of Act 69 of 1962.

**1.** Section 1 of the Diplomatic Privileges Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "person" of the following definition:

"'person' includes any **[public international]** organization or **[public international]** institution **[of which the Republic is a member]** recognized by the Minister under section 2, and such an organization or institution shall, to the extent consistent with the instrument creating it, be vested in the Republic with the legal capacities of a body corporate;".

Amendment of section 2 of Act 71 of 1951.

**2.** Section 2 of the principal Act is hereby amended by the substitution for paragraph *(d)* of subsection (1) of the following paragraph:

"*(d)* any **[public international]** organization or **[public international]** institution **[of which the Republic is a member]** recognized by the Minister for the purposes of this paragraph, the members, agents or officers of and the delegates to such organizations or institutions, and the permanent representatives of other Governments to such organizations or institutions, together with their wives and minor children, to the extent prescribed in any convention or agreement to which the Government of the Republic is a party;".

Insertion of section 2A in Act 71 of 1951.

**3.** The following section is hereby inserted in the principal Act after section 2:

"Immunities, rights and privileges of persons attached to consular missions, career-consular officers and certain other persons.

**2A.** (1) Career-consular officers, trade representatives and any other persons attached to or employed by any consular mission or any such officer or representative shall enjoy such immunities, rights and privileges as they enjoy in accordance with the provisions of any law or an agreement in terms of subsection (2) or the recognized principles of international law.

(2) The State President may on a basis of reciprocity and on such conditions as he may deem

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ag, met 'n ander Staat 'n ooreenkoms aangaan waarby immuniteite, regte en voorregte aan 'n betrokke persoon bedoel in subartikel (1) verleen word, asook bykomstige aangeleenthede gereël word.

(3) So 'n ooreenkoms en enige wysiging daarvan moet by proklamasie in die *Staatskoerant* afgekondig word, tree in werking op die datum van bedoelde afkondiging en het regskrag, en die bepalings daarvan geld in die geval van botsing tussen dié bepalings en die bepalings van 'n wet of die erkende beginsels van die volkereg.".

Wysiging van artikel 6 van Wet 71 van 1951.

**4.** Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikel (2) kan die Staatspresident enige Regering of **[internasionale]** enige organisasie of instelling wat kragtens artikel 2 deur die Minister erken is, vrystel van die betaling van hereregte of enige ander regte, gelde, aanslae of ander belastings wat aan die Regering van die Republiek, 'n provinsiale administrasie of plaaslike owerheid betaalbaar is in verband met die transport van onroerende goed wat deur daardie Regering of organisasie of instelling vir amptelike doelstellings in die Republiek verkry is, asook van die betaling van regte, belastings, gelde of ander aanslae wat op of in verband met sodanige goed gehef word.".

Wysiging van artikel 10 van Wet 71 van 1951.

**5.** Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Ondanks andersluidende bepalings in die Verdedigingswet, 1957 (Wet No. 44 van 1957), word 'n beampte, agent of verteenwoordiger van 'n **[publieke internasionale]** organisasie of instelling in artikel 2 (1) *(d)* bedoel, vrygestel van diens ingevolge genoemde Wet as 'n burger van die Republiek.".

Vervanging van lang titel by Wet 71 van 1951.

**6.** Die lang titel by die Hoofwet word hierby deur die volgende lang titel vervang:

„WET

Tot samevatting en wysiging van die wette op die immuniteite en voorregte van verteenwoordigers van ander hoofde van state of regerings; om voorsiening te maak vir die immuniteite en voorregte van afgevaardigdes na internasionale konferensies en van lede en beamptes van sekere **[internasionale]** organisasies en instellings; om voorsiening te maak vir die verlening van sekere immuniteite, regte en voorregte aan sekere ander persone; en om voorsiening te maak vir daarmee in verband staande aangeleenthede.".

Kort titel en inwerkingtreding.

**7.** Hierdie Wet heet die Wysigingswet op Diplomatieke Voorregte, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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fit, enter into an agreement with any other State by which immunities, rights and privileges are conferred upon any person concerned contemplated in subsection (1), as well as any incidental matters are regulated.

(3) Such agreement and any amendment thereof shall be published by proclamation in the *Gazette,* shall come into force on the date of such publication and shall have the force of law, and the provisions thereof shall prevail in the case of conflict between such provisions and the provisions of any law or the recognized principles of international law.".

Amendment of section 6 of Act 71 of 1951.

**4.** Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The State President may, subject to the provisions of subsection (2), exempt any Government or **[international]** any organization or institution recognized by the Minister under section 2 from the payment of transfer duty or any other duties, fees, charges or other taxes payable to the Government of the Republic or any provincial administration or local authority in connection with the transfer of any immovable property acquired by that Government or organization or institution for official purposes in the Republic, as well as from the payment of rates, taxes, fees or other charges levied on or in connection with such property.".

Amendment of section 10 of Act 71 of 1951.

**5.** Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Notwithstanding anything to the contrary contained in the Defence Act, 1957 (Act No. 44 of 1957), any officer, agent or representative of **[a public international]** an organization or institution referred to in section 2 (1) *(d)* shall be exempt from service under the said Act as a citizen of the Republic.".

Substitution of long title to Act 71 of 1951.

**6.** The following long title is hereby substituted for the long title to the principal Act:

"ACT

To consolidate and amend the laws relating to the immunities and privileges of representatives of other heads of states or governments; to provide for the immunities and privileges of delegates to international conferences and of members and officials of certain **[international]** organizations and institutions; to provide for the granting of certain immunities, rights and privileges to certain other persons; and to provide for matters incidental thereto.".

Short title and commencement.

**7.** This Act shall be called the Diplomatic Privileges Amendment Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette.*