

NOTICE 597 OF 2003
THE SOUTH AFRICAN NATIONAL DEFENCE FORCE
GENERAL REGULATIONS CHAPTER VI

The Minister of Defence has, under section 87(1)(f) of the Defence Act, No 44 of 1957, made the regulations set out in this Chapter, with effect from 1 January 2003.

EXPLANATORY NOTE: This Regulation, replaces the General Regulations Chapter VI, as promulgated in 2000. A new set of regulations is issued in order to accommodate new changes and instructions within the SANDF.

CHAPTER VI
LEAVE OF ABSENCE

PART I: GENERAL MEASURES

Application

1. The regulations relating to leave of absence are applicable to members of the Permanent Force (hereinafter referred to as the Regular Force) and the Citizen Force and Commandos (hereinafter referred to as the Reserve Force).
2. The regulations relating to leave of absence for members of the Regular Force are, subject to the necessary changes or amendments, also applicable to members of the Reserve Force rendering temporary whole-time service in the South African National Defence Force.

Regulating Leave of Absence

3. The processes and procedures for regulating the leave of absence for the Regular Force and the Reserve Force (including the proper recording and accounting thereof) shall be prescribed in Departmental Instructions and such Administrative Operating and Technical Policies as may be required.

Leave and Leave Gratuity

4. Members are entitled to vacation leave with full pay during each annual leave cycle of 12 months commencing on 1 January of any year and ending 31 December of the same year, but may be refused such leave if the exigencies of service in the South African National Defence Force, which may include military operations, exercises and training (as an integral part of operations or exercises), do not permit the absence of a member from duty. If for such reasons leave was refused, provision shall be made to compensate a member either through the rescheduling of such leave or if that is not possible, a cash payout.
5. No member is entitled, on the termination of his or her service owing to any offence in terms of the Military Disciplinary Code (MDC), or dismissal from the South African National Defence Force due to a sentence of imprisonment passed by a competent court, to claim any payment in respect of the cash value of leave standing to his or her credit.
6. With effect from 1 April 2002 annual vacation leave will not be allowed to accrue. Leave accrued prior to this date will be capped with provisions to pay out such leave as a gratuity under specified circumstances. (However, all members of the Reserve Force are excluded from this provision).

7. A member who enrolls for a determined period of time and subsequently terminates his or her contract (in terms of such enrolment) before the expiration date thereof, will forfeit the leave to his or her credit and this leave will not be paid out.

8. Taking into consideration service delivery imperatives, supervisors shall ensure that members utilise at least 10 compulsory, consecutive working days leave period per annual leave cycle. Any remaining days must be utilised not later than six months after the expiration date of the relevant leave cycle, whereafter unused leave days will fall away.

9. Supervisors shall, when approving leave, at all times ensure that legitimate leave application forms are correctly completed.

Vacation Leave with Full Pay in Excess of Annual Entitlement

10. No member shall be granted leave with full pay in excess of that to which he or she is annually entitled, plus any capped leave he or she may have. When capped leave is applied for, the approval thereof shall depend on service delivery requirements.

Vacation Leave without Pay

11. A member's annual leave entitlement shall be reduced by one-twelfth for every fifteen days leave taken without pay, with the further provision that service delivery requirements shall determine the approval of such vacation leave without pay.

Transfer of Leave Credit and Recognition of Other Service

12. The previous service and any accumulated leave of a person who was in full-time employment of

- (1) a State-aided school or training institution;
- (2) a State Department established by an Act of Parliament other than the Defence Act, 1957;
- (3) a body specifically established by an Act of Parliament; or
- (4) any armed and statutory force as defined in section 1 of the Transitional Executive Council Act, 1993 (Act No 151 of 1993), and

who is appointed or enrolled without any break in service, is taken into account for leave purposes.

Leave Granted to Chief of the SANDF

13. The granting of leave to the Chief of the SANDF is subject to approval of the Minister, and the Minister may at any time cancel or convert any such leave already granted.

Discounting of Leave

14. Provision for the discounting of leave using the formula hereunder shall be made:

$$\frac{X}{260.714} \text{ multiplied by } R$$

where X is the number of days being discounted, R is the salary of the member at the time he or she qualified for such discounting, and 260.714 relates to the number of work days in a calendar year.