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**CONTENTS**

No.

Page  
No.      Gazette  
            No.

**GENERAL NOTICE**

**Independent Electoral Commission**

*General Notice*

847 Electoral Commission Act (51/1996): Proposed draft regulations ..... 3      28982

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# GENERAL NOTICE

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## NOTICE 847 OF 2006

### PROPOSED DRAFT REGULATIONS

Acting in terms of sections 12(5) and 23 of the *Electoral Commission Act, 1996* (Act No. 51 of 1996), the Commission hereby makes the following Regulations:

#### **"Definitions**

1. In these regulations "The Regulations" means the regulations published in Government Notice No. R514 of 19 May 2000 as amended by the regulations published in Government Notice No. R.902 of 17 September 2001.

#### **Substitution of Regulation 14 of the Regulations**

2. Regulation 14 of The Regulations is hereby substituted by the following regulation:

##### **"Annual leave**

14(1) An employee is entitled to a total of 24 working days annual leave on full remuneration for each annual employment leave cycle.

(2) Of the total of 24 working days annual leave referred to in subregulation (1), fifteen days are statutory leave and nine days are non-statutory leave.

(3) The provisions of the *Basic Conditions of Employment Act, 1997*, as amended from time to time, apply to the fifteen days statutory leave and do not apply to the nine days non-statutory leave.

(4) Employees must take annual leave for all working days falling between 25 December of one calendar year and 1 January of the next calendar year, unless the employee is specifically, and for critical operational reasons, required to work on one or more of those working days.

(5) Five days non-statutory leave can be accumulated and transferred from one annual leave cycle to the next annual leave cycles.

(6) Upon the termination of the employment relationship, a maximum of twenty days accumulated non- statutory leave are paid out to the employee and no other payment in lieu of non-statutory leave not taken may be made to an employee.

(7) Statutory leave must be taken within six months after the end of an annual leave cycle, less such occasional leave as may have been granted to the employee before the end of the leave cycle.

(8) Statutory leave not taken within six months after the end of an annual leave cycle is forfeited and no payment in lieu of statutory leave not taken is at any time made to an employee, unless the employee was unable to take the leave by agreement with the employer, owing to the employer's operational requirements. In the latter case, the employee will be permitted to take the leave after the end of the six months period referred to in clause 9 above, or if the employee leaves the employment of the employer prior to him/her taking such leave, the value of such leave shall be paid out to him/her.

(9) All statutory leave available at any particular time must be taken before non-statutory leave is taken.

(10) Leave is taken on days agreed upon between the employee and the employer in advance and in writing.

#### **Coming into Operation**

3. These regulations came into operation on 1 July 2006."
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