



**ST HELENA**

**REVISED EDITION OF THE LAWS 2016**

**EMPLOYMENT & COMMERCE**

**PUBLIC HOLIDAYS ORDINANCE, 1945<sup>1</sup>**

*Ordinance 9 of 1945*

*In force 24 November 1945*

*Amended by Ordinances 16 of 1955, 5 of 1981, 2 of 1988, 2 of 2001 and 13 of 2017 and L.N. 4/1967*

*No subsidiary legislation to 1 November 2017*

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**PUBLIC HOLIDAYS ORDINANCE, 1945**

**ARRANGEMENT OF SECTIONS**

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First Schedule: Public Holidays

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AN ORDINANCE to provide for the observance of certain days as public holidays, and for connected purposes.

**Short title**

1. This Ordinance may be cited as the Public Holidays Ordinance, 1945.

**Days to be observed as holidays**

2. (1) The several days specified in the First Schedule are to be public holidays.

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

(2) If Christmas Day falls on a Saturday or Sunday, the following Tuesday is to be observed as a public holiday.

(3) If a Public Holiday other than Christmas Day falls on a Saturday or Sunday, the Governor must, by Proclamation, direct that either the preceding Friday or the following Monday is to be observed as a Public Holiday *in lieu* of that Saturday or Sunday.

### **Payments, etc. on public holidays**

3. (1) No person may be required to make any payment or to do any other act upon a public holiday which the person would not be required to make or do upon a Sunday.

(2) The obligation to make any payment or to do any other act on a day which is a public holiday applies to the day following the public holiday, and the making of such payment or the doing of such other act on that following day is equivalent in all respects to payment of the money or performance of the act on the day which is a public holiday.

### **Payment of salary, etc., for public holidays**

4. (1) Every person who is responsible for the conduct of any of the undertakings specified in the Second Schedule (“**an employer**”) must, on the due date, pay to every person employed in the undertaking for the time being, the amount of salary or wages or other remuneration which the person would have earned by reason of the performance of his or her work on a day which is a public holiday.

(2) Any employer who employs a person (“**the employee**”) other than a person who is in receipt of a monthly salary in an undertaking which is open on a public holiday must grant to the employee, in respect of his or her work on the public holiday, a day’s holiday with pay on another day, or, at the option of the employee pay to him or her one day’s pay in addition to the amount of salary or wages or other remuneration to which the employee is entitled by virtue of subsection (1).

### **Committee may vary days appointed for public holidays**

5. (1) A Council Committee (“**the Committee**”) may on account of the arrival of any ship, or for any other cause which in the Committee’s opinion makes it inexpedient to observe a public holiday on one of the days appointed under this Ordinance, give directions that a public holiday is not to be observed on the appointed date, but is to be observed on another date the Committee appoints.

(2) The Governor may give directions that any day which is an occasion of national importance is to be observed as a public holiday.

### **Regulations**

6. The Governor in Council may make regulations for the carrying out of any of the purposes or provisions of this Ordinance.

**Penalty**

7. Any employer or other person who contravenes, or fails to comply with, the provisions of this Ordinance or of any regulation made under it commits an offence.  
Penalty: A fine of £100, or imprisonment for 3 months, or both.

**FIRST SCHEDULE**

(Section 2(1))

**Public Holidays**

Good Friday  
Easter Monday  
The official birthday of Her Majesty the Queen  
St Helena Day, the 21st day of May  
Christmas Day  
Boxing Day, the 26th day of December

**SECOND SCHEDULE**

(Section 4(1))

**Undertakings**

Offices, shops, workshops, and factories

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