



ASCENSION

REVISED EDITION OF THE LAWS, 2017

EMPLOYMENT & COMMERCE

PUBLIC HOLIDAYS (ASCENSION) ORDINANCE, 1945¹

Ordinance SH9 of 1945

In force 24 November 1945

Applied to Ascension by section 31(a) of the Customs Ordinance, 2002 and by the St Helena Law (Application to Ascension) Ordinance, 1988.

Amended by Ordinances 16 of 1955, 5 of 1981, 2 of 1988, 2 of 2001, 13 of 2017 and L.N. 4/1967²

The text also modifies the St Helena Ordinance to the circumstances of Ascension as required by section 2(2) of the 1988 Ordinance.³

No subsidiary legislation to 1 November 2017

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.

¹ *This text is not authoritative but was prepared by the Law Revision Commissioner under section 14 of the Revised Edition of the Laws Ordinance, 1999 as stating the law at 1 November 2017.*

² The amendments to this Ordinance by Ord. 13 of 2017 (SH) do not apply to Ascension.

³ “(2) The said law of St Helena applies to Ascension only in so far as it is applicable and suitable to local circumstances, and subject to such modifications, adaptations, qualifications and exemptions as local circumstances render necessary.”

Short title

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

Days to be observed as holidays by certain undertakings

2. (1) The several days specified in the First Schedule , hereinafter referred to as “public holidays”, are to be kept as close holidays in all undertakings and establishments specified in the Second Schedule.

(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 permitted to open in the manner above set out 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) The Island Council may on account of the arrival of any ship, or for any other cause which in the Council’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 Council 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 may make regulations for the carrying out of any of the purposes or provisions of this Ordinance.

Penalty

7. An 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
Ascension Day
Christmas Day
Boxing Day, the 26th day of December

SECOND SCHEDULE

(Section 4(1))

Undertakings

Offices, shops, workshops, and factories
