

THE HOLIDAYS (PUBLIC GENERAL) ACT

ARRANGEMENT OF SECTIONS

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SCHEDULE

THE HOLIDAYS (PUBLIC GENERAL) ACT

Cap. 148.
Laws
38 of 1960,
2 of 1962.

[27th April, 1895.]

1. This Act may be cited as the Holidays (Public General) Act. Short title.

2. The several days mentioned in the Schedule and such other special day or days as may be appointed under section 7 are hereby declared to be "Public General Holidays". Public
General
Holidays.
Schedule.

3. All courts of justice, public offices, and all wharves, public and private (save as is provided in section 9), and all banks and their agencies, and the offices and places of business of all solicitors, assurers, insurers, bill discounters, building societies, and all persons licensed to carry on the business of merchants, general factors, wholesale dealers, storekeepers, commission agents and retailers who pay a trade licence on any place of business or class of business calculated on a gross value of the premises in which the business is carried on exceeding, in the parish of Kingston and the Urban and Suburban Districts of the Corporate Area as defined in the Second Schedule of the Kingston and St. Andrew Corporation Act, five hundred dollars, or exceeding, in any other parish or area, two hundred dollars, and printing and newspaper offices shall be closed throughout the whole of each Public General Holiday: What offices
and places
of business
to be closed
on public
holidays.

Provided that nothing in this section shall in any way invalidate any rule or regulation made by the Commissioner of Customs and Excise with the approval of the Minister under the Customs Act for enabling ships to be entered or cleared, laden or unladen on Public General Holidays: L.N.
93s/86.

HOLIDAYS (PUBLIC GENERAL)

Provided also that nothing herein contained shall prevent any judge on the holding of any court on any day preceding any Public General Holiday from adjourning such court to such Public General Holiday, and on such adjournment being made it shall be lawful for such court to sit on such Public General Holiday as if this Act had not been passed:

2/1962
S. 2.

Provided further that nothing in this Act shall prevent—

(a) any shop registered as a pharmacy under the provisions of the Pharmacy Act from being open between the hours of eight o'clock in the morning and twelve o'clock midnight; or

(b) any article from being sold in such shop between those hours,
on a Public General Holiday, and provided further that *nothing herein contained shall authorize the opening of any such shop or the sale of any article therein on a Public General Holiday except during such times as medicines, drugs and poisons are available for sale therein by or under the direct supervision of a Pharmacist registered under the Pharmacy Act.*

Payments,
etc., falling
due or
to be
done on a
holiday,
when to be
made or
done.

4. Subject to the provisions of the Bills of Exchange Act, as to bills of exchange and promissory notes, all bonds, or other money obligations, which are or shall be made so as to become due and payable on any such Public General Holiday, shall be payable on the next day following and not on such Public General Holiday, and whenever any notice is required to be given or any act done whether under any contract, custom or law, and the same shall fall to be given or done on a Public General Holiday, the same shall be given or done on the next day following.

5. Whenever by any law, or by any record, specialty or simple contract, any payment is required to be made, or act to be done, on a day certain, or within a time limited, and such day certain, or the last day of such time limited, shall happen to fall on a Public General Holiday, such law, record, specialty or simple contract, shall be read and construed, and shall take effect and be enforceable only, in the particular instance, as if such payment or act were thereby required to be made or done on the next day following such Public General Holiday; and the making of such payment and the doing of such act on such next day following, shall be equivalent to payment of the money or doing of the act on the holiday.

Construction of law or documents when the times for making a payment or doing an act falls on a holiday

6. For the purpose of this Act, the "next day following" any Public General Holiday shall mean the first day succeeding the holiday, which is neither a Sunday nor a Public General Holiday.

"Next day following" explanation.

7. It shall be lawful for the Minister, from time to time as he may see fit, by order, to be published in the *Gazette* not less than seven days before the day or the first of the days hereinafter mentioned, to appoint any special day or days, not exceeding three at any one time, to be observed as a Public General Holiday, either throughout the Island or in any particular parish or part thereof, and the day or days so appointed shall thereupon, for the time being, be a Public General Holiday, and all the provisions of this Act shall apply thereto in precisely the same manner as if such day or days had originally been mentioned in the Schedule.

Power to appoint special holidays.

Schedule

8. It shall be lawful for the Minister, in like manner, whenever it shall appear to be expedient, to declare that any special office, business or workshop, which is mentioned in section 3, shall cease to be under the operation of this

Power to exempt any office or business.

Act, either generally or for such special or limited purpose or time as may appear to be expedient, and thereupon this Act shall cease to operate upon the same accordingly.

Post offices,
telegraph
offices and
wharves.

9. It shall be lawful for the Postmaster-General, subject to the approval of the Minister, to make special arrangements for keeping all or any of the several post offices and telegraph offices open for such limited portion only of any Public General Holiday as may appear to be necessary for the convenience of the public; and it shall also be lawful for the owner or manager of any wharf to keep open and carry on his business as such, so far as may be necessary for the purpose of loading, unloading or coaling any ship on any Public General Holiday, subject, however, to any rule or regulation made by the Commissioner of Customs and Excise, with the approval of the Minister under the Customs Act, regulating the loading or unloading of ships on Public General Holidays.

L.N.
93s/86.

Contracts
not to
observe
holidays if
general,
void.

10. Every contract for any service in any office, business or other place mentioned, included or brought under the operation of section 3, whereby the person employed undertakes or agrees generally not to claim or to observe all or any Public General Holiday (except in the case mentioned in section 9) shall be absolutely void; but it shall nevertheless be lawful for any person employed as aforesaid, as well as for other persons not so employed to make a special agreement on the approach of any Public General Holiday, to forego his right to any such particular Public General Holiday, and to continue in service or to enter upon and perform any duties during the whole or any part of such particular Public General Holiday.

Offences
against this
Act.

11. Every person who does anything which is forbidden by this Act, or wilfully omits, neglects or refuses to do anything required by this Act to be done by him, shall be

guilty of an offence against this Act, and shall be liable to a penalty not exceeding twenty dollars.

12. All penalties under this Act shall be recoverable in a summary manner. Recovery of penalties.

13.—(1) The Minister may by order amend the Schedule or substitute a new Schedule therefor. Power to amend Schedule.
38/1960
S. 2.

(2) Every order made under this section shall be published in the *Gazette* at least seven days before the coming into operation of such order.

(3) Every order made under this section shall be subject to negative resolution of the House of Representatives.

SCHEDULE

Schedule.
(Sections
2 and 7).

1. New Year's Day, or in case New Year's Day falls on Sunday, then the day after New Year's Day.

2. Ash Wednesday.

3. Easter Monday.

38/1960
S. 3.

4. The 23rd day of May (or in case the 23rd day of May falls on Saturday or Sunday, then the following Monday) which shall be known as "National Labour Day".

L.N.
19/1998.

5. The following days in August, that is to say—

(a) the 1st day of August (or in case the 1st day of August falls on a Sunday, then the following Monday) which shall be known as "Emancipation Day";

(b) the 6th day of August (or in case the 6th day of August falls on a Sunday, then the following Monday) which shall be known as "Independence Day".

L.N.
329/1968.

6. The third Monday in the month of October, which shall be known as "National Heroes' Day".

7. The day after Christmas Day, or when Christmas Day falls on a Sunday, then the 26th and 27th of December.

L.N.
182/1967.

8. A day appointed by the Minister of national observance.