

PARLIAMENT OF CEYLON

2nd Session 1971-72



Holidays Act, No. 29 of 1971

Date of Assent : August 26, 1971

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Holidays Act, No. 29 of 1971

L. D.—O. 39/71.

AN ACT TO DECLARE EVERY FULL MOON POYA DAY AND SUNDAY AS PUBLIC HOLIDAYS; TO MAKE SPECIAL PROVISION FOR THE OBSERVANCE OF THE FULL MOON POYA DAY; TO REPEAL THE HOLIDAYS ACT, NO. 17 OF 1965; AND TO MAKE PROVISION IN REGARD TO MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: August 26, 1971]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Holidays Act, No. 29 of 1971, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.

PART I

PUBLIC AND BANK HOLIDAYS

2. It is hereby declared that every Full Moon Poya Day and every Sunday—

Declaration regarding Full Moon Poya Days and Sundays.

(a) shall be a public holiday; and

(b) shall be a bank holiday.

3. Subject to the provisions of section 4—

Additional public and bank holidays.

(a) the several days specified in the First Schedule hereto shall, in addition to the Full Moon Poya Days and Sundays, be public holidays; and

(b) the several days specified in the Second Schedule hereto shall, in addition to the Full Moon Poya Days and Sundays, be bank holidays.

4. The Minister may by Order published in the *Gazette* from time to time amend or vary the First Schedule or the Second Schedule to this Act or may from time to time replace any such Schedule by a new Schedule.

Minister may amend Schedules to this Act.

Public holidays
to be *dies non*
and to be kept
as holidays.

5. (1) Every public holiday—
(a) shall be a *dies non*; and
(b) shall be kept as a holiday.

(2) Every bank holiday shall be kept as a close holiday in every bank.

Persons not to
be compelled to
do certain acts
on bank
holidays.

6. (1) No person shall be compellable to make any payment or to do any act upon a bank holiday which he would not be compelled to make or to do on a Full Moon Poya Day or a Sunday; and accordingly, the obligation to make such payment or to do such act shall apply to the date next following such bank holiday which is not itself a Full Moon Poya Day or a Sunday or a bank holiday; and the making of such payment or the doing of such act on such following day shall be deemed, for all purposes, to be the equivalent to the making of such payment or the doing of such act on such bank holiday.

(2) Nothing in the preceding provisions of this section shall affect the law for the time being in force relating to bills of exchange or promissory notes, nor shall anything in such provisions apply to any payment or act to be made or done in a court or public office on a bank holiday which is not a public holiday.

Minister to
make provision
for special
circumstances.

7. For the purpose of avoiding the causing of inconvenience to the public or of the disruption of services essential to the life of the community, the Minister, with the concurrence of the Minister charged with the administration of the functions of any public office or any Government department, may, from time to time, by Order published in the *Gazette* declare that, for the purposes of or in relation to that office or department or any holder of that office or any member of that department, the Full Moon Poya Day or the Sunday shall not be a public holiday, and that, in addition, only such of the days for the time being specified in the First Schedule to this Act as are also specified in that Order shall, notwithstanding anything to the contrary in this Act, be public holidays.

8. The Minister may from time to time by Order published in the *Gazette*, declare that, as respects any such year as shall be specified in that Order, each such day in each such month in that year as may be so specified shall be a Full Moon Poya Day for the purposes of this Act.

Declaration
of Full Moon
Poya Days.

9. (1) (a) Where, for the purpose of enabling the benefits and advantages of the new scheme of holidays embodied in the principles and provisions of this Act to be enjoyed by or extended to employees of any particular class or description, certain adjustments or changes in the terms or conditions of their employment are necessary but such adjustments or changes cannot be made or effected without amending or modifying the provisions of any written law (other than this Act) by or under which such terms or conditions are governed, then, the Minister may make regulations under this Act amending or modifying any such written law to such extent or in such manner as may be necessary for that purpose and, in particular, but without prejudice to the generality of the powers conferred by the preceding provisions of this paragraph, so amending or modifying the Wages Boards Ordinance, the Shop and Office Employees (Regulation of Employment and Remuneration) Act, and the Factories Ordinance. In deciding upon the adjustments or changes to be so made or effected due regard shall be had both to the existing rights and obligations of employers and employees and to the desirability of ensuring that such adjustments or changes have as far as practicable no adverse impact on the general pattern of economic activity in Ceylon and on Ceylon's trade with other countries.

Power to make
regulations.

(b) In paragraph (a) of this sub-section, the expression "terms or conditions of employment" includes such matters as hours of work, remuneration, payment of overtime, holidays and hours or days of rest.

(c) No regulation shall be made by the Minister under this Act in respect of any matter referred to in the preceding provisions of this sub-section except

with the prior concurrence of the Minister to whom the subject or function of Labour is assigned by the Prime Minister.

(2) (a) The Minister may make regulations under this Act for such purpose or purposes as may be necessary to give full force and effect to the principles and provisions of this Act.

(b) In particular, but without prejudice to the generality of the powers conferred by the preceding provisions of this sub-section, the Minister may make regulations for or in respect of all or any of the following matters:—

- (i) all matters connected with the application and enforcement of this Act in respect of which the provisions of this Act require to be modified or supplemented to meet special contingencies or circumstances;
- (ii) the determination or adjustment of any question or matter relating to public holidays and bank holidays or matters connected therewith or incidental thereto for the determination or adjustment of which no provision or effective provision is made by this Act;
- (iii) the removal or adjustment of any conflict or inconsistency between the provisions of this Act and any other written law (other than any written law referred to in sub-section (1));
- (iv) all other matters connected with or incidental to the matters aforesaid.

(c) Regulations made under the preceding provisions of this sub-section may provide for all such amendments, modifications or variations in this Act or any other written law (not being any written law referred to in sub-section (1)) as may be necessary to achieve the object of such regulations.

(3) Any regulation made under this Act may be of general application, or may be limited in its application to any specified purpose or purposes.

(4) No regulation made by the Minister under this Act shall have effect until it has been approved by the Senate and the House of Representatives, nor until notification of such approval has been published in the *Gazette*.

(5) Every regulation made by the Minister under this Act shall, upon the publication in the *Gazette* of a notification of the approval of that regulation as provided in sub-section (4), be deemed to be as valid and effectual as though it were herein enacted.

10. (1) The Minister may, without amending or varying the First Schedule to this Act, from time to time, by Order published in the *Gazette*, declare that—

Power of Minister to declare special public holidays.

(a) any such day in any such month in any such year as may be specified in that Order, not being a day for the time being specified in that Schedule, shall be a public holiday for the purposes of this Act in addition to the days for the time being specified in that Schedule; or

(b) any such day in any such month in any such year as may be specified in that Order shall be a public holiday for the purposes of this Act, in lieu of any day for the time being specified in that Schedule.

(2) Any Order made by the Minister under sub-section (1) declaring any day to be a public holiday for the purposes of this Act shall come into force upon the date of its publication in the *Gazette*, or upon such later date as may be specified therein, and shall cease to be in force on the day immediately succeeding that day.

11. (1) The Minister may, without amending or varying the Second Schedule to this Act, from time to time, by Order published in the *Gazette*, declare that—

Power of Minister to declare special bank holidays.

(a) any such day in any such month in any such year as may be specified in that Order, not being a day for the time being specified in that Schedule, shall be a bank holiday for the purposes of this Act, in addition to the days for the time being specified in that Schedule; or

(b) any such day in any such month in any such year as may be specified in that Order shall be a bank holiday for the purposes of this Act, in lieu of any day for the time being specified in that Schedule.

(2) Any Order made by the Minister under sub-section (1) declaring any day to be a bank holiday for the purposes of this Act shall come into force upon the date of its publication in the *Gazette*, or upon such later date as may be specified therein, and shall cease to be in force on the day immediately succeeding that day.

Repeal of
Holidays Act,
No. 17 of
1965.

12. The Holidays Act, No. 17 of 1965, is hereby repealed:

Provided, however, that, notwithstanding the repeal of the aforesaid Act, all regulations made under that Act shall be deemed to continue in force and may be amended or rescinded by regulations made under this Part of this Act.

PART II

OBSERVANCE OF FULL MOON POYA DAYS

Closure of
certain
establishments
on Full Moon
Poya Days.

13. (1) No person shall on any Full Moon Poya Day keep open for business—

- (a) any night club, dance hall or any place of public performance; or
- (b) any arrack tavern, toddy tavern, foreign liquor shop, liquor bar, or any other premises where any liquor is kept for sale; or
- (c) any place where betting on horse-racing or gambling of any description whatsoever is carried on; or
- (d) any meat stall.

(2) The provisions of sub-section (1) shall have effect notwithstanding any other law or any terms or conditions of any licence or permit issued under any written law.

Prohibition of
slaughter of
animals.

14. No person shall, on any Full Moon Poya Day, slaughter any animal for the purpose of sale, or sell or offer for sale, the flesh of any animal.

Permission of
certain public
performances.

15. Notwithstanding the provisions of section 13 it shall be lawful for a person to present any public performance if he obtains the prior written approval of the Minister in charge of the subject of Cultural Affairs.

PART III

GENERAL

16. (1) The Minister may make such regulations as he may deem necessary for the purpose of giving effect to the principles and provisions of Part II of this Act.

Regulations

(2) No regulation made by the Minister under this section shall have effect until it has been approved by the Senate and the House of Representatives, nor until notification of such approval has been published in the *Gazette*.

(3) Every regulation made by the Minister under this section shall upon the publication in the *Gazette* of a notification of the approval of that regulation as provided in sub-section (2) be deemed to be as valid and effectual as though it were herein enacted.

17. (1) Any person who contravenes the provisions of this Act shall be guilty of an offence and shall be liable upon conviction after summary trial before a Magistrate to a fine not exceeding one thousand rupees or to a term of rigorous imprisonment not exceeding two years or to both such fine and imprisonment.

Offences.

(2) Where any person has been convicted of an offence under the provisions of sub-section (1) and such person is the holder of a licence or permit relating to the subject-matter of that offence and issued under any written law, such licence or permit shall, notwithstanding anything in any other law or any terms or conditions subject to which such licence or permit was issued, be deemed *ipso facto* to be cancelled, void, and of no effect in law.

18. In this Act, unless the context otherwise requires—

Interpretation.

“ animal ” has the same meaning as in the Butchers’ Ordinance and further includes any fowl or turkey;

“ bank holiday ” means any day which is a bank holiday by virtue of the operation of the provisions of this Act;

“ Full Moon Poya Day ” means any day which is declared to be a Full Moon Poya Day by Order for the time being in force made by the Minister under this Act;

“ public holiday ” means any day which is a public holiday by virtue of the operation of the provisions of this Act;

“ public performance ” has the same meaning as in the Public Performances Ordinance.

FIRST SCHEDULE

Section 3]

PUBLIC HOLIDAYS

National Heroes' Day (January 1).
 The Tamil Thai Pongal Day.
 Id-ul-Fitr (Ramazan Festival Day).
 Independence Commemoration Day (February 4)
 Maha Sivarathri Day.
 The day immediately prior to the Sinhala and Tamil New Year's Day.
 The Sinhala and Tamil New Year's Day.
 Good Friday.
 May Day (May 1).
 The day immediately following the Full Moon Poya Day of the Sinhala month of Wesak.
 Id-ul-Azha (Hadji Festival Day).
 Milad-Un-Nabi (Holy Prophet's Birthday).
 Bandaranaike Commemoration Day (September 26).
 Deepavali Festival Day.
 Christmas Day.

SECOND SCHEDULE

Section 3]

BANK HOLIDAYS

The Tamil Thai Pongal Day.
 Independence Commemoration Day (February 4).
 The Sinhala and Tamil New Year's Day.
 May Day (May 1).
 Milad-Un-Nabi (Holy Prophet's Birthday).
 June 30.
 Deepavali Festival Day.
 Christmas Day.
 December 31.