



LAWS OF MALAYSIA

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Act 220

WEEKLY HOLIDAYS ACT 1950

As at 1 May 2015

WEEKLY HOLIDAYS ACT 1950

First enacted 1950 (Ordinance No. 47 of 1950)

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LAWS OF MALAYSIA

Act 220

WEEKLY HOLIDAYS ACT 1950

An Act to provide for a weekly holiday for persons employed in shops, restaurants and theatres.

[1 October 1951, L.N. 78/1951]

Short title and application

1. (1) This Act may be cited as the Weekly Holidays Act 1950.
- (2) This Act shall apply to Peninsular Malaysia only.

Interpretation

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

“controlled business” means any one or more of the following trades or businesses, namely, any retail trade or business (including retail sales by auction but not including the sale of programmes and catalogues and other similar sales at theatres and places of amusement), the sale of intoxicating liquor under licence, the business of a pawnbroker, barber, hairdresser, tailor, laundryman, dry-cleaner and dyer and any wholesale business declared by the Minister, by notification in the *Gazette*, to be a controlled business for the purposes of this Act;

“day” means a period of twenty-four hours beginning at midnight;

“Director General” means the Director General of Labour;

“manager” means any person appointed to be in charge of or to manage a shop, theatre or restaurant;

“Peninsular Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 [Act 388], and includes the Federal Territory;

“proprietor” means the owner of the controlled business in any shop or the licensee of any theatre or restaurant;

“restaurant” means any premises in which is carried on principally or wholly the business of supplying meals or refreshments to the public or a class of the public for consumption on the premises;

“shop” means all directly inter-connected premises or contiguous places used by any person for—

- (a) exposing goods for sale as part of any controlled business carried on by him;
- (b) the storage, preparation, processing or manufacture of goods, some or all of which are ordinarily disposed of in the course of any controlled business carried on by him; or
- (c) any other purpose of a controlled business carried on by him,

or, where part only of any premises or places are so used, means that part:

Provided that the term “shop” shall not include a restaurant or any bazaar for charitable or public purposes, or any separate room or workshop used exclusively for the storage, preparation, processing or manufacture of goods which are of a description ordinarily disposed of in a substantial quantities otherwise than as part of the business of a controlled business;

“theatre” includes any premises intended principally or wholly for the presentation of moving pictures, dramatic performances or stage entertainment or for use as a dance hall;

“unassisted shop” means any shop in which the controlled business is carried on by the sole proprietor without assistance other than that of the husband, wife or one of the children of the proprietor;

“week” means the period between midnight on any Saturday night and midnight on the succeeding Saturday night.

Closing of shops

3. (1) Every shop not included in any class of shops mentioned in the Schedule shall remain entirely closed on either Friday or Sunday, as the proprietor or manager may choose, in each week, and every person employed therein shall be given a whole holiday on such day:

Provided that—

- (a) an unassisted shop may remain open on both Friday and Sunday in each week on condition that on either Friday or Sunday in each week only the proprietor shall attend to the customers;
- (b) the Director General may, upon application being made to him in that behalf, in the manner prescribed, by the proprietor or the manager, give written permission in the case of any shop for some other day to be substituted in any particular week for the day chosen by such proprietor or manager and this subsection shall thereupon apply in the case of that shop to such day accordingly and not to the day of that week chosen; and
- (c) the Director General may, upon application being made to him in that behalf by the proprietor or manager, give written permission that in any particular week a specified piece of work be performed in any shop on the day on which that shop, in accordance with this subsection, would otherwise be entirely closed; and the Director General shall, if he gives such written permission, specify a day in that particular week or in the week next following on which all persons to be employed in such specified piece of work shall be given a whole holiday in lieu of the whole holiday which they would otherwise have been given under this subsection.

(2) The proprietor or the manager shall specify in a notice, in such form as may be prescribed, the day in each week on which a

shop is closed in pursuance of subsection (1) and shall exhibit such notice permanently in a conspicuous place in the shop.

(3) The day chosen by the proprietor or manager in accordance with subsection (1) shall not be altered by the proprietor or manager more often than once in six months.

(4) The proprietor of an unassisted shop shall specify in such notice as may be prescribed the day in each week on which he only will attend to customers as provided for in proviso of paragraph 1(a), and shall exhibit such notice permanently in a conspicuous place in such unassisted shop.

(5) The Minister may from time to time, by notification in the *Gazette* add to, alter or amend the Schedule.

Provisions relating to shops where more than one business is carried on

4. Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that if it were the only trade or business carried on in the shop, the shop would be exempt from the provisions of section 3, the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.

Additional half-day closing or holiday

5. (1) The Minister may, by notification in the *Gazette*, require in respect of all shops or of any specified class of shops other than unassisted shops and shops included in any class of shops mentioned in the Schedule that they should be closed at such hour in the afternoon of one day in every week in addition to the day provided for by section 3, as may be specified in such notification.

(2) When any shop is closed under subsection (1) every person employed therein shall be given a holiday, in addition to any holiday given under section 3, 6 or 7, during such period as the shop is closed.

(3) The Minister may, for the purposes of this section, specify different hours or days for different shops or different classes of shops or for different areas or for different times of the year.

(4) The proprietor or the manager shall specify in a notice, in such form as may be prescribed, the day in each week on which a shop is closed in pursuance of a requirement under subsection (1) and shall exhibit such notice permanently in a conspicuous place in the shop.

Weekly holidays in shops, restaurants and theatres

6. (1) Every person employed in any shop, other than an unassisted shop, in a class of shops mentioned in the Schedule, or in any restaurant or theatre shall be given in each week a holiday of one whole day:

Provided that nothing in this section shall apply to any person who works on less than six days and for less than forty hours in the week, such person being deemed to have worked on any day on which he has worked for a total period of not less than four hours.

(2) The Director General may, by notification in the *Gazette*, exclude any particular class of employee from the operation of subsection (1).

Shops to be closed on five additional days every year

7. (1) In addition to those other holidays prescribed by this Act, every shop, other than an unassisted shop or a shop included in any class of shops mentioned in the Schedule, shall be entirely closed on not less than five days every year, to be chosen by the proprietor or manager, and every person employed in any such shop shall be given a whole holiday on each such day.

(2) The proprietor or the manager shall specify in a notice, in such form as may be prescribed, the days chosen in accordance with subsection (1) and shall exhibit such notice permanently in a conspicuous place in the shop.

(3) In addition to the holidays required to be given by subsection 6(1) every person employed in a shop of a class mentioned in the Schedule or in any restaurant or theatre shall be given in every year a whole holiday on five other days to be chosen by the proprietor or manager.

(4) If in any year any of the days chosen by the proprietor or manager in compliance with subsection (1) is a day on which his shop is required to be entirely closed under section 3 then the day next following on which the shop would otherwise be opened shall be deemed to be a day chosen in compliance with subsection (1) and the shop shall be entirely closed on that day.

No deduction or abatement to be made from wages

8. (1) No deductions or abatement of the wages of any person shall be made on account of any holiday given under section 3, 6 or 7.

(2) A person who is given a holiday under section 5 shall be paid in respect of such holiday the wages he would have earned had he worked during that part of the day in which such holiday is given.

Administration of Act

9. (1) The Director General shall be the officer in charge of the general administration of this Act.

(2) The Director General may either generally or specifically direct any State Director of Labour or Assistant State Director of Labour or, with the consent of the Minister, any other public officer to exercise, perform or discharge any power, duty or function of the Director General under this Act or under any regulation made thereunder.

(3) The Yang di-Pertuan Agong may, by notification in the *Gazette*, appoint persons to be Inspectors for the purposes of this Act within such local limits as he may assign.

(4) Every Inspector appointed under this section shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

(5) The Director General and any State Director of Labour or Assistant State Director of Labour may exercise any or all of the powers of an Inspector.

Powers of Inspectors

10. (1) Subject to any rules made under this Act by the Minister, an Inspector may at any reasonable time, within the local limits for which he is appointed—

- (a) enter and remain in any shop, theatre or restaurant to which this Act applies and in any quarter, house or other accommodation where persons who are employed in such premises live or sleep;
- (b) make such examination of any such shop, restaurant, theatre, quarter, house or other accommodation and of any record, register or notice maintained therein, in pursuance of rules made under subsection 14(2), and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act.

(2) Any person having the custody of any record, register, or notice maintained in pursuance of rules made under subsection 14(2) shall be bound to produce the same when so required by an Inspector, but no person shall be compellable to answer any question if the answer may tend directly or indirectly to incriminate himself.

Penalties

11. In the event of any—

- (a) contravention of section 3, 5, 6, 7 or 8 or of any requirement duly made thereunder;
- (b) contravention of any rule made under paragraph 14(2)(a) or (c); or

(c) breach of any condition imposed under section 4,

the proprietor and the manager of the establishment in respect of which such contravention or breach takes place shall, on conviction, be liable to a fine which may extend, in the case of the first offence, to two hundred and fifty ringgit, in the case of a second offence, to five hundred ringgit, and, in the case of a third offence or subsequent offence, to one thousand ringgit.

Exemption from application of this Act

12. Nothing in this Act shall apply to premises maintained by the Government solely for Post Office business.

Power to exempt

13. The Minister may exempt from all or any of the provisions of this Act any premises or any class of premises.

Rules

14. (1) The Minister may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe anything required to be, or which may be prescribed under this Act;

(b) regulate the exercise of their powers and the discharge of their duties by Inspectors;

(c) require registers and records to be maintained and prescribe the notices to be displayed in establishments to which this Act applies and the form and contents thereof and the manner in which such notices shall be displayed.

(3) All rules made under this section shall be published in the *Gazette* and shall be laid as soon as conveniently may be before the

Dewan Rakyat which may, by resolution, amend, approve or disapprove of the same. All rules approved by the Dewan Rakyat with such amendments, if any, as may have been made, shall come into force as from the date of the resolution approving the same.

SCHEDULE

[Section 3]

- (a) Premises used for carrying on the retail sale of fuel from pumps, or of spare parts for vehicles, or for the repair, or servicing of vehicles.
- (b) Premises used for carrying on the business of undertakers in connection with funerals.
- (c) Premises used for carrying on the business of pharmacists, chemists or druggists.
- (d) Premises used for ships chandleries for the supply of victuals, stores or other necessities for a ship on her arrival in port or immediately before her departure.
- (e) Premises used for livery stables or garages.
- (f) Premises used for the business of any person or company producing ice by artificial means.
- (g) Premises used for the sale of newspapers or their delivery.
- (h) Premises used for the sale and delivery of fresh milk, cream, meat, fish, bread, fruit, vegetables or other foodstuffs of a perishable nature.
- (i) Premises used for the sale of intoxicating liquor as part of the business of a hotel or boarding house or as part of the amenities of a club.
- (j) Premises used for carrying on a controlled business and situated within—
 - (i) any international airport;
 - (ii) any railway station;
 - (iii) any hotel;
 - (iv) any shopping arcade or shopping complex as may be approved by the Minister on application.
- (k) Premises occupied by laundries, dry cleaners and dyers.

- (l) Premises situated within any Federal military establishment and used by any authorized person for carrying on a controlled business.
 - (m) Premises used for carrying on the retail sale of—
 - (i) flowers and plants; or
 - (ii) living creatures in pet shops, bird shops and other shops of a similar nature.
 - (n) Premises occupied by Supermarkets and Cold Storages carrying on a controlled business as may be approved by the Minister on application.
 - (o) Premises used for the sale and delivery of gas in cylinders as fuel.
 - (p) Premises used for the sale of joss sticks, joss paper, candles and other religious or funeral requisites.
 - (q) Premises used for exposing goods for sale in connection with a controlled business employing ten or more persons.
 - (r) Premises used for exposing goods for sale in connection with a controlled business carried on by a co-operative society registered under the *Cooperative Societies Ordinance 1948 [*F.M.Ord. 33 of 1948*].
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*NOTE—Cooperative Societies Ordinance 1948 has since been revised as Cooperative Societies Act 1948 [*Act 287*] and later repealed by Cooperative Societies Act 1993 [*Act 502*] —see paragraph 95(1)(a) of Act 502.

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LIST OF AMENDMENTS

Amending law	Short Title	In force from
L.N. 542/1951	Amendment of Schedule	20-09-1951
Ord. 65/1957	Weekly Holidays (Amendment) Ordinance 1957	15-01-1958
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
L.N. 142/1961	Amendment of Schedule	04-05-1961
Act 37/1961	Weekly Holidays (Amendment) Act 1961	21-09-1961
L.N. 286/1962	Amendment of Schedule	15-11-1962
P.U. 340/1967	Amendment of Schedule	03-08-1967
P.U. (B) 200/1969	Amendment of Schedule	22-08-1969
P.U. (B) 240/1969	Amendment of Schedule	03-10-1969
P.U.(B) 263/1969	Amendment of Schedule	01-11-1969
P.U.(B) 19/1970	Amendment of Schedule	16-01-1970
P.U.(B) 87/1970	Amendment of Schedule	10-04-1970
P.U.(B) 324/1970	Titles of Office – Notification	01-09-1970
P.U.(B) 340/1971	Amendment of Schedule	07-10-1971
P.U.(B) 316/1972	Amendment of Schedule	04-08-1972
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Ord. 65/1959	15-01-1958
	L.N. 332/1958	13-11-1958
	Act 37/1961	21-09-1961
	P.U. (B) 324/1970	10-09-1970
3	L.N. 332/1958	13-11-1958
3A	Ord. 65/1957	15-01-1958
5	L.N. 332/1958	13-11-1958
6	Ord. 65/1957	15-01 -1958
7	Ord. 65/1957	15-01-1958
	Act 37/1961	21-09-1961
8	Act 37/1961	21-09-1961
9	L.N. 332/1958	13-11-1958
	Act 37/1961	21-09-1961
10	P.U. (B) 324/1970	01-09-1970
	L.N. 332/1958	13-11-1958
11	Ord. 65/1957	15-01-1958
	Act 160	29-08-1975
13	L.N. 332/1958	13-11-1958
14	L.N. 332/1958	13-11-1958
Schedule	L.N. 542/1951	20-09-1951
	L.N. 142/1961	04-05-1961
	L.N. 286/1962	15-11-1962
	P.U. 340/1967	03-08-1967
	P.U. (B) 200/1969	22-08-1969
	P.U. (B) 240/1969	03-10-1969

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Section	Amending authority	In force from
	P.U. (B) 263/1969	01-11-1969
	P.U. (B) 19/1970	16-01-1970
	P.U. (B) 87/1970	10-04-1970
	P.U. (B) 340/1971	07-10-1971
	P.U. (B) 316/1972	04-08-1972
