

PARLIAMENT OF CEYLON

1st Session 1965-66



Holidays Act, No. 17 of 1965

Date of Assent : December 10, 1965

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Holidays Act, No. 17 of 1965

L. D.—O. 16/65.

AN ACT TO REPEAL THE HOLIDAYS ORDINANCE, AND TO REPLACE THAT ORDINANCE BY AN ACT EMBODYING NEW PRINCIPLES AND PROVISIONS WHICH, *inter alia*, WILL GIVE DUE RECOGNITION TO POYA DAYS, AND TO MAKE PROVISION IN REGARD TO MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: December 10, 1965]

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. 17 of 1965, 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.

2. It is hereby declared that any custom or usage or written law whereby every Sunday—

Declaration
regarding
Sundays.

(a) has been a *dies non* in Ceylon shall cease to have the force and effect of law in Ceylon, and accordingly that no Sunday shall, by reason only of such custom or usage or law which had or purported to have had such force and effect, be or continue to be such a *dies non*;

(b) has been kept as a holiday in Ceylon shall cease to have the force and effect of law in Ceylon, and accordingly that no Sunday shall, by reason only of such custom or usage or law which had or purported to have had such force and effect, be kept or continue to be kept as such a holiday; and

(c) has been kept as a close holiday in banks in Ceylon shall cease to have the force and effect of law in Ceylon, and accordingly that no Sunday shall, by reason only of such custom or usage or law which had or purported to have had such force and effect, be kept or continue to be kept as such a close holiday.

Declaration
regarding
Poya Days.

3. It is hereby declared that every Poya Day—
 (a) shall be a public holiday ; and
 (b) shall be a bank holiday.

Additional
public
holidays.

4. (1) The following days shall, in addition to Poya Days, be public holidays:—

(a) subject to the provisions of sub-sections (2) and (3), each day for the time being specified in the First Schedule to this Act ; and

(b) any other day in respect of which there is an Order, for the time being in force, made by the Minister under section 13 (1) (a).

(2) For so long and so long only as there is in force an Order made by the Minister under section 13 (1) (b), then, any such day as shall be specified in that Order as the day which shall be a public holiday in lieu of any day referred to in sub-section (1) (a) and specified in that Order shall, in accordance with the terms of that Order, be a public holiday in lieu of the day so referred to and specified ; and the provisions of that sub-section shall be read and construed subject to the preceding provisions of this sub-section.

(3) For so long and so long only as there is in force an Order made by the Minister under section 8 in respect of any public office or Government department, then, for the purposes of or in relation to that office or department or any holder of that office or any member of that department, only such of the days referred to in sub-section (1) (a) as are also specified in that Order shall be public holidays ; and the provisions of that sub-section shall have force and effect subject to the preceding provisions of this sub-section.

Additional
bank
holidays.

5. (1) The following days shall, in addition to Poya Days, be bank holidays:—

(a) subject to the provisions of sub-section (2), each day for the time being specified in the Second Schedule to this Act ; and

(b) any other day in respect of which there is an Order, for the time being in force, made by the Minister under section 14 (1) (a).

(2) For so long and so long only as there is in force an Order made by the Minister under section 14 (1) (b), then, any such day as shall be specified in

that Order as the day which shall be a bank holiday in lieu of any day referred to in sub-section (1) (a) and specified in that Order shall, in accordance with the terms of that Order, be a bank holiday in lieu of the day so referred to and specified; and the provisions of that sub-section shall be read and construed subject to the preceding provisions of this sub-section.

6. Every public holiday—

- (a) shall be a *dies non*; and
- (b) shall be kept as a holiday.

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

7. Every bank holiday shall be kept as a close holiday in every bank.

Bank holidays
to be kept as
close holidays
in banks.

8. For the purpose of avoiding the causing of considerable inconvenience to the public or of disruption to 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 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, Poya Day 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. Such Order shall come into force upon the date of its publication in the *Gazette*, or upon such later date as may be specified therein. Such Order may be amended, revoked or replaced by a like Order made with like concurrence.

Power to make
Orders restrict-
ing the number
of public
holidays in
certain public
offices or
Government
departments.

9. (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 do or make on a Poya Day, and accordingly the obligation to make such payment or to do such act shall apply to the day next following such bank holiday which is not itself a Poya Day 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.

Provisions as
to payments,
&c., on bank
holidays.

(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.

**Declaration of
Poya Days.**

10. 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 Poya Day for the purposes of this Act. Any such Order shall come into force upon the date of its publication in the *Gazette*, or upon such later date as may be specified therein. Any such Order may be amended, revoked or replaced by a like Order.

**Power to make
regulations.**

11. (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.

(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.

Power of
Minister to
amend, &c.,
the Schedules
to this Act.

12. (1) The Minister may by Order published in the *Gazette*, from time to time, amend or vary the First Schedule or Second Schedule to this Act, whether by the addition thereto or by the omission therefrom of any day, or, from time to time, replace any such Schedule by a new Schedule incorporating all amendments or variations made under the preceding provisions of this sub-section.

(2) Any Order made by the Minister under sub-section (1) shall come into force on the date of its publication in the *Gazette*, or upon such later date as may be specified therein. Any such Order may be amended, revoked or replaced by a like Order.

Power of
Minister
to declare
special
public
holidays.

13. (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—

(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.

14. (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 subsection (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.

15. The Holidays Ordinance is hereby repealed.

Repeal of
Chapter 177.

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

Interpretation.

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

“ Poya Day ” means any day which is declared to be a Poya Day by any Order, for the time being in force, made by the Minister under section 10;

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

FIRST SCHEDULE

PUBLIC HOLIDAYS

(Section 4)

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.
Easter Sunday.
May Day (May 1).
The day immediately prior to the Full Moon Day of the Sinhala month of Wesak.
Id-ul-Azha (Hadji Festival Day).
Milad-Un-Nabi (Holy Prophet's Birthday).
Deepavali Festival Day.
Christmas Day.

SECOND SCHEDULE

BANK HOLIDAYS

(Section 5)

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.