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CHAPTER 36

PUBLIC HOLIDAYS

An Act relating to the closing of all public offices, banks, and shops on Sundays and public holidays.*[Commencement 21st February, 1938]*

15 *cf* 1938
 19 *cf* 1941
 20 *cf* 1954
 57 *cf* 1961
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 11 *cf* 1973
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1. This Act may be cited as the Public Holidays Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
 - “dealer” means any person selling or dealing in, either by wholesale or retail, any goods or articles of merchandise, and includes any clerk or employee of such dealer;
 - “limits of Nassau” includes all that part of New Providence which lies within and between the following boundaries including such boundaries, namely: North, the Harbour of Nassau; East, Church Street; South, Meeting Street, and a line drawn from the eastern end of such street eastwardly until it reaches a line drawn from the southern end of Church Street; and West, Augusta Street;
 - “shop” includes any place of business or restaurant within the limits of Nassau in which any goods or articles of merchandise (other than food, cooked or prepared for consumption on the premises) are sold, or kept, offered or exposed for sale either by wholesale or retail.
3. The several days mentioned in the First Schedule to this Act (which days are hereinafter referred to as “public holidays”) shall be kept as close holidays in all public offices and banks, and in all shops: Public Holidays
19 *cf* 1941, s 2
First Schedule

46 *cf* 1962, s 2

Provided that when any public holiday shall fall on a Sunday the following day shall be observed and kept as a public holiday:

Provided also that nothing in this section contained shall be deemed to prohibit the opening of any shop on any public holiday —

- (a) for the sale of any drugs or medicines;
- (b) for the sale of ice;
- (c) for the sale of bread, fresh and frozen fish, fresh fruit, fresh vegetables, butchers' meat, and fresh dairy products, until the hour of ten o'clock in the morning;
- (d) for the sale of any article required for the burial of a dead body, or in the case of illness of any person or animal, or in any other emergency;
- (e) for the sale of petroleum products;
- (f) for the sale of fresh water;
- (g) for the sale of newspapers and periodicals.

4. It shall be lawful for the Governor-General —

- (a) when it is made to appear to the Governor-General in any special case that in any year it is inexpedient that a day by this Act appointed as a public holiday should be a public holiday, to declare by Order to be published in the *Gazette*, that such day shall not in such year be a public holiday, and if considered necessary, to appoint such other day as to the Governor-General may seem fit to be a public holiday instead of such day, and thereupon the day so appointed shall in such year be substituted for the day so appointed by this Act;
- (b) by Order to be published in the *Gazette* to appoint a special day or a part of a day to be kept as a close holiday in all public offices and banks, and in all shops as defined by this Act, and every day so appointed shall as regards bills of exchange and promissory notes be deemed to be a public holiday for all purposes of this Act.

Governor-General authorized to appoint special holidays

5. (1) The several public offices of The Bahamas shall be kept open for the transaction of business with the public on every day of the year except Saturdays, Sundays and public holidays from the hour of nine-thirty o'clock in the morning until the hour of three o'clock in the afternoon.

Hours of attendance of public officers.

31 *cf* 1967, s 2(a)

(2) Public officers shall attend at their respective offices on every day of the year except Saturdays, Sundays and public holidays from the hour of nine o'clock in the forenoon until the hour of five-thirty o'clock in the afternoon:

31 *cf* 1967, s 2(b)

Provided that the Governor-General may extend the hours for the transaction of business at any public office and may vary the hours for attendance of public officers at their respective offices.

(3) Every public officer shall be permitted to absent himself from his office on every day on which his attendance is required for a period of not more than one hour, such period to be fixed in each case by the head of the department concerned.

31 *cf* 1967, s 2(c)

(4) Nothing in this section shall affect the provision of section 76 of the Supreme Court Act or section 36 of the Post Office Act, or any other public office or department, the hours of attendance at which are specially fixed by law.

Ch. 53.
Ch. 300.

6. The Governor-General may, in any special case in which it is expedient to do so, by notice in the *Gazette* authorize the carrying on of business in any shop on any public holiday.

Governor-General may authorize opening of shops on public holiday.

31 *cf* 1967, s 3

7. If a customer is in a shop when the same should be closed, it shall be lawful for the dealer to serve such customer, but no customer shall be admitted into a shop after the hour when the same should be closed.

Customer in shop at closing hour may be served.

8. (1) Notwithstanding any other written law to the contrary but subject to the provisions of this section —

Opening of shops on Sundays.

28 *cf* 1995, s 2
Second Schedule.

- (a) a shop of a kind mentioned in the Second Schedule and to which the provisions of that Schedule apply may open for business on Sundays; and

(b) any other shop in the City of Nassau or in the Port Area, as the case may be, may open for business on any Sunday when a cruise ship is scheduled to be in the port of Nassau or in the port of Freeport, respectively.

(2) Nothing in subsection (1) shall be construed as authorising the opening for business of —

(a) a shop of a kind mentioned in the Third Schedule, at any time after the hour of ten o'clock in the forenoon of any Sunday; or

(b) any shop on Good Friday, Easter Sunday, Labour Day, Independence Day or Christmas Day.

(3) No employee of any shop shall be required to work on any Sunday without that employee's consent and, when working on a Sunday, an employee shall be remunerated at the rate applicable to work on a public holiday unless that employee is in the normal course of employment ordinarily rostered to work on Sundays.

(4) An employer who dismisses or otherwise penalises an employee for refusing to work on a Sunday is guilty of an offence punishable on summary conviction by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year or by both such fine and imprisonment.

(5) In this section —

“cruise ship” means a vessel which —

(a) operates for not less than one hundred and twenty days in each year, anywhere in the world;

(b) provides cruises of not less than sixty hours in length for persons holding tickets entitling them to travel on board the vessel; and

(c) provides on board the vessel overnight accommodation for not less than three hundred passengers;

“shop” includes any place of business or restaurant in The Bahamas in which any goods or articles of merchandise (other than food, cooked or prepared for consumption on the premises) are sold, or kept, offered or exposed for sale either by wholesale or retail.

9. Nothing in this Act contained shall be deemed to prevent a pharmacist or chemist from opening his shop on Sundays or public holidays for the purpose of compounding any prescription or supplying any drugs or medicines or surgical appliances.

Drug stores may open for certain purposes.
31 cf 1967, s 5

10. Notwithstanding the provisions of the Liquor Licences Act or any other Act, every shop or place, other than a hotel or restaurant licensed under the said Act for the sale of intoxicating liquor, shall be subject to the provisions of this Act.

Licensed liquor premises subject to provisions of Act.
31 cf 1967, s 6
Ch. 372.

11. Any person who —

- (a) sells, or keeps, exposes, or offers for sale, or aids or abets any person in selling, or keeping, exposing, or offering for sale in any shop goods or articles of merchandise contrary to this Act;
- (b) keeps open, or aids or abets any person in keeping open any shop contrary to this Act;
- (c) admits any customer, or aids or abets in admitting any customer into any shop contrary to this Act,

Penalties.

shall be liable on summary conviction for a first offence to a penalty of two thousand five hundred dollars and for a second or subsequent offence to a penalty of five thousand dollars.

28 cf 1995, s 3

12. All penalties imposed by this Act shall be recovered in a summary manner before a magistrate in the manner prescribed by law in this behalf.

Recovery of penalties.

FIRST SCHEDULE (Section 3)**PUBLIC HOLIDAYS**

1st of January.
 Good Friday.
 1st Monday after Easter.
 1st Monday after Whitsunday.
 Labour Day (first Friday in June).
 Independence Day (10th of July).
 1st Monday in August.
 12th of October.
 Christmas Day.
 Boxing Day (26th of December).

*16 cf 1972, s 2,
 11 cf 1973, s 2*

*43 cf 1964, Third
 Sch
 57 cf 1961, s 2
 11 cf 1973, s 2*

SECOND SCHEDULE (Section 8(1)(a))**SHOPS WHICH MAY OPEN ON SUNDAYS**

1. Any retail shop whose principal business is the sale of —
 - (a) ice, ice cream and other dairy products;
 - (b) bread, fresh and frozen marine products, fresh fruit, fresh vegetables, butchers' meat;
 - (c) any article required for the burial of a dead body, or in the case of illness of any person or animal, or in any other emergency;
 - (d) fresh water.
2. Any retail shop located within premises licensed as a Hotel under the Hotels Act or located within premises operated as an airport or a marina.
3. Any retail shop whose principal business is the sale of Bahamian straw work, art and handcraft.
4. Any retail shop commonly regarded as a neighbourhood store, convenience store or petty shop, and being a shop whose principal business is the sale of grocery and personal hygiene items.
5. Premises commonly known as “service stations”.

28 cf 1995, s 4

6. Any retail shop whose principal business is the sale of food prepared at the request of members of the public and premises commonly known as “fast food” restaurants.

7. Any retail shop commonly known as a “drug store” or “pharmacy” and whose principal business is the sale of drugs, medicines or notions or the sale of newspapers and periodicals.

8. Any retail shop whose principal business is the rearing of plants for sale.

9. Any beauty salon or barber shop.

10. Any retail shop whose principal business is the sale of liquefied petroleum gas, commonly known as “cooking gas”.

11. Premises commonly known as “laundromats”.

12. Any retail shop whose principal business is the sale of clothing.

13. Premises commonly known as “photographic studios”.

14. Any retail shop whose principal business is the sale of shoes.

THIRD SCHEDULE (Section 8(2)(a))

28 of 1995, s 5

SHOPS WHICH ARE PROHIBITED FROM OPENING AFTER 10 A.M. ON SUNDAYS

1. Any retail shop of the type generally known as or regarded as a supermarket, if the business carried on in the shop is categorised, in accordance with the provisions of the Business Licence Act, as a very large business. Ch 329

2. Any shop commonly known as a “membership club” or “wholesale club”.

3. Any retail shop whose principal business is the sale of building supplies, construction materials, electrical fixtures or plumbing fixtures.