



MONTSERRAT

## CHAPTER 6.09

# PUBLIC HOLIDAYS ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **PUBLIC HOLIDAYS ACT**

Act 19 of 1954 .. in force 10 September 1954

Amended by S.R.O. 15/1956

Amended by Acts: 13 of 1959

2 of 1971

14 of 1999

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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## CHAPTER 6.09

### PUBLIC HOLIDAYS ACT

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##### SCHEDULE

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## CHAPTER 6.09

### PUBLIC HOLIDAYS ACT

*(Act 19 of 1954, S.R.O. 15/1956,  
Acts 13 of 1959, 2 of 1971, 14 of 1999 and 9 of 2011)*

#### **Commencement**

*[10 September 1954]*

#### **Short title**

1. This Act may be cited as the Public Holidays Act.

#### **Days noted in Schedule to be kept as public holidays**

2. (1) The several days in the Schedule (which days are hereinafter referred to as public holidays), shall be kept as close holidays in all banks, shops or stores where goods are sold, and at the several public offices in Montserrat, and all bills of exchange and promissory notes which are due and payable on any such public holiday shall be payable and, in case of

non-payment, may be noted and protested on the next following day, and not on any public holiday; and any such noting or protest shall be as valid as if made on the day on which the bill or note was made due and payable; and for all the purposes of this Act the day next following a public holiday shall mean the next following day on which a bill of exchange may be lawfully noted or protested.

(2) In addition to the several days set out in the Schedule to this Act, Saturdays shall be kept as close holidays in all banks in Montserrat, and the provisions relating to bills of exchange and promissory notes set out in subsection (1) and in section 3 shall be construed as though Saturdays were public holidays.

(3) Nothing contained in subsection (2) shall be construed as declaring any Saturday a public holiday save in accordance with and for the specific purposes of the said subsection (2).

*(Amended by Act 2 of 1971)*

### **Provisions where day of notice of dishonour or presentation falls on a holiday**

3. When the day on which any notice of dishonour of any unpaid bill of exchange or promissory note should be given, or when the day on which a bill of exchange or promissory note should be presented or received for acceptance, or accepted, or forwarded to any referee or referees, is a public holiday, such notice of dishonour shall be given and such bill of exchange or promissory note shall be presented or forwarded on the day next following such public holiday.

### **No persons obliged to make payment, etc., on holidays**

4. No person shall be compellable to make any payment or to do any act upon such public holidays, which he would not be compellable to do or make on Christmas Day or Good Friday; and the obligation to make such payment and do such act shall apply to the day following such public holiday, and the making of such payment and doing such act on such following day shall be equivalent to payment of the money or performance of the act on the holiday.

### **Power to appoint special public holidays and to change day for a public holiday**

5. It shall be lawful for the Governor with the advice of the Cabinet to issue a proclamation—

- (a) appointing a special day or part of a day to be reserved as a public holiday throughout Montserrat, and any day or part of a day so appointed shall be kept as a close holiday in all banks, shops, stores and public offices aforesaid in Montserrat, and shall, as regards bills of exchange and promissory notes be deemed to be a public holiday for all purposes of this Act; or

- (b) when it is made to appear to him in any special case that in any year it is inexpedient that a day by this Act appointed a public holiday should be a public holiday, declaring that such day shall not in such year be a public holiday, and appointing such other day as to him 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 originally appointed by this Act.

*(Amended by Act 9 of 2011)*

## Exceptions

6. Nothing in this Act shall—

- (a) prevent the opening of a drug store or drug shop on a public holiday in case of necessity for making up prescriptions and supplying drugs;
- (b) be deemed to prohibit the opening of any public market or the sale at any place of any article of food or drink up to the hour of 9 a.m.; or
- (c) prevent the opening on a public holiday of any petrol station for the sale of gasoline, oil or motor accessories, or of any garage for the purpose of effecting emergency repairs to motor vehicles.

## Provision for opening of shops and stores

7. Notwithstanding anything contained in this Act the Governor, with the advice of the Cabinet, may from time to time, by order published in the *Gazette* permit any class of shop or store specified in such order to be kept open on a public holiday for the sale of any article in Montserrat, or any part thereof during such hours and subject to such terms and conditions as may be prescribed by such order. *(Amended by Act 9 of 2011)*

## Penalty for opening on public holidays

8. Any person who keeps open any bank, shop, store or public office in contravention of the provisions of this Act, or fails to comply with the provisions of any order made under section 7 shall be liable on summary conviction to a penalty of \$250.

## Bank holiday construed as public holiday

9. Any reference in any Act or subsidiary legislation to a bank holiday shall be construed as a reference to a public holiday under this Act.

## Schedule

10. The Schedule may be amended by Order made by the Governor acting on the advice of Cabinet.

*(Amended by Acts 14 of 1999 and 9 of 2011)*

**SCHEDULE***(Section 2)*

1. The anniversary of the birth of the Sovereign or the day of which due public notice shall be given, appointed to be kept as the Sovereign's birthday.
2. The first day of January in each year.
3. St. Patrick's Day being 17 March in each year.
4. Good Friday.
5. Easter Monday.
6. Labour Monday (the first Monday in May).
7. Whit Monday.
8. The first Monday in August.
9. Christmas Day.
10. Boxing Day.

NOTE: Sundays are observed as Common Law Holidays.

If any public holiday set out above falls on a Saturday or Sunday then the next following Monday shall be a public holiday.

If two public holidays fall on a Saturday and on the next following Sunday, the next following Monday and Tuesday, shall be public holidays.

If two public holidays fall on the same day, the next following day other than a Saturday or Sunday shall be a public holiday.

*(Substituted by Act 14 of 1999)*

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