



**Tuvalu**

# **PUBLIC HOLIDAYS ACT**

**2008 Revised Edition**

**CAP. 22.10**





Tuvalu

## PUBLIC HOLIDAYS ACT

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Tuvalu

## PUBLIC HOLIDAYS ACT

### AN ACT TO MAKE PROVISION FOR PUBLIC HOLIDAYS<sup>1</sup>

Commencement [5th May 1937]

#### 1 Short title

This Act may be cited as the Public Holidays Act.

#### 2 Certain days to be public holidays

- (1) The several days mentioned in the Schedule, hereinafter called “**public holidays**”, shall be kept as holidays in all public offices in Tuvalu:

Provided that if any public holiday falls on a Saturday or a Sunday, the Monday next following shall be a public holiday unless otherwise ordered by the Minister by notice.

- (2) Notwithstanding anything contained in subsection (1) when any public holiday falls on any day of the week other than Monday, either the preceding or the following Monday may be appointed as a public holiday in lieu thereof by the Minister by notice.
- (3) When either the 2nd day of October or the 26th day of December falls on a Sunday the Monday and Tuesday next following shall be public holidays, and when either day falls on a Monday the Tuesday next following shall be a public holiday.

#### 3 Bills due on a public holiday to be payable on day next following

- (1) All bills of exchange and promissory notes which are due and payable on any public holiday shall be payable and in case of non-payment may be noted and protested on the day next following such public holiday, and any such noting

and protest shall be as valid as if made on the day on which the bill or note was made due and payable.

- (2) For all purposes of this Act the day next following a public holiday shall mean the next following day on which a bill of exchange may lawfully be noted or protested.

#### **4 Notice of dishonour, presentment or acceptance on day next following**

When a day on which any notice of dishonour of an unpaid bill of exchange or promissory note shall be given, or 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, received, accepted or forwarded on the day next following such public holiday.

#### **5 Payments due on public holidays**

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

#### **6 Appointment of special public holidays**

The Minister may by notice appoint a special day or any part of a day to be kept as a holiday in all public offices in Tuvalu, or in any part thereof, or in any island or district, and every day so appointed shall be deemed to be a public holiday for all the purposes of this Act.

#### **7 Right to open public offices on holidays**

Notwithstanding anything contained in this Act the head of any Government department may open offices and works thereof and call upon all or any persons employed in such department to perform such of their duties on any public holiday as to such head of department may seem fit.

#### **8 Restriction of compulsory work on public holidays**

- (1) No worker as defined in section 2 of the Employment Act,<sup>2</sup> shall be compelled to perform any work on any public holiday save only such as shall be of immediate necessity for the care and feeding of animals, cleanliness of yards, sties, stables, folds, factories and buildings and other work

indispensable for the preservation of the property of his employer, which work shall not be for more than 2 hours duration either before the hour of 8 in the morning or after the hour of 4 in the afternoon.

- (2) Every employer as defined in the said section who contravenes the provisions of this section shall be liable to a fine of \$20.

**SCHEDULE<sup>3</sup>****(Section 2 (1))**

New Year's Day	1st January
Good Friday	As appointed
Easter Monday	As appointed
Commonwealth Day	2nd Monday in March or as appointed
Te Aso o te Tala Lei (Gospel Day)	the Monday following the second Sunday in May
The day appointed for the celebration of the Anniversary of the Birthday of the Sovereign	2nd Saturday in June or as appointed
National Children's Day	1st Monday in August
Tuvalu Day	1st October and 2nd October
Christmas Day	25th December
Boxing Day	26th December



## ENDNOTES

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<sup>1</sup> 1990 Revised Edition, Cap. 14 – Acts 5 of 1937, 10 of 1956, 8 of 1968, 9 of 1971, 3 of 1972, 13 of 1979, 10 of 1988, 2 of 1990, LN 16/1974, LN 29/1976

Amended by Act 4 of 2001

<sup>2</sup> Cap. 40.28

<sup>3</sup> Amended by Act 4 of 2001