

SAMOA

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2008, No. 3

AN ACT to amend and set up the law relating to public holidays. *[25th January 2008]*

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

PART 1
PRELIMINARY

1. Short title and commencement-(1) This Act may be cited as the Public Holidays Act 2008.

(2) This Act comes into force on 1 January 2008.

2. Interpretation-(1) In this Act, unless the context otherwise requires:-

“emergency” means emergency as defined in section 2 of the Fire and Emergency Service Act 2007;

“Minister” means the Minister responsible for employment and labour in Samoa;

“pharmacy” means pharmacy as defined in section 2 of the Pharmacy Act 2007;

“place of employment” means place of employment as defined in section 2 of the Labour and Employment Act 1972;

“public holiday” means:

(a) Christmas Day;

(b) Boxing Day;

(c) New Year’s Day;

(d) the day after New Year’s Day;

(e) Good Friday;

(f) the Saturday after Good Friday;

(g) Easter Monday;

(h) Mothers’ Day being the Monday after the second Sunday in May;

(i) Independence Day;

(j) Fathers’ Day being the Monday after the second Sunday in August;

(k) Lotu a Tamaiti Holiday being the Monday after the second Sunday in October (White Sunday);

(l) the Monday after the days referred to in paragraphs (a), (b), (c), (d) and (h) where that day falls on a Sunday;

(m) the Tuesday after:

(i) Christmas Day where Christmas Day falls on a Sunday; and

- (ii) New Year's Day where New Year's Day falls on a Sunday; and
 - (n) any day declared to be a public holiday by the Head of State in accordance with this Act;
- “shop” means shop as defined in section 2 of the Shops Ordinance 1961.

PART 2 PUBLIC HOLIDAYS

3. Shop may open - A shop may open for operations during a public holiday.

4. School and place of employment to be closed - Except as provided for in this Act, a school or a place of employment shall be closed for all operations during a public holiday.

5. Exempted services and places of employment - Section 4 of this Act shall not apply to the following services and places of employment:

- (a) morgue or funeral services;
- (b) hospital;
- (c) pharmacy;
- (d) fire and emergency services;
- (e) search and rescue services;
- (f) police services;
- (g) security services;
- (h) waste management services;
- (i) public transport services;
- (j) shipping services;
- (k) civil aviation services;
- (l) hotel and hospitality services;
- (m) communication services.

6. Minister's powers - Despite the provisions of this or any other Act, the Minister may by order, authorise:

- (a) a school or a place of employment to be open during a public holiday; or
- (b) a shop to be closed during a public holiday.

7. Head of State's power - The Head of State acting on the advice of Cabinet may declare any day to be a public holiday.

PART 3 AMENDMENTS

8. Shops Ordinance 1961-(1) Section 2 of the Shops Ordinance 1961 is amended by substituting the definition of "public holiday" with "means any holiday defined in or declared under the Public Holidays Act 2008".

9. Repeal - Sections 10, 11, 12, 13, 14 and 16(2) of the Shops Ordinance 1961 are repealed.

10. Labour and Employment Act 1972 - Section 2 of the Labour and Employment Act 1972, at the definition of "public holiday" is amended by substituting "Shops Ordinance 1961" with "Public Holidays Act 2008".

PART 4 MISCELLANEOUS

11. Offence and penalty - A person who breaches a provision of this Act commits an offence and is liable upon conviction to a fine not exceeding 100 penalty units or 12 months imprisonment or both.

12. Regulations - The Head of State acting on the advice of Cabinet may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed;
or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**The Public Holidays Act 2008 is administered by the Ministry of
Commerce, Industry and Labour**

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