



MONTSERRAT

## CHAPTER 6.09

# PUBLIC HOLIDAYS ACT

### Revised Edition

showing the law as at 1 January 2025

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 13 of 2024 .. in force 2 May 2024

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**CHAPTER 6.09**

**PUBLIC HOLIDAYS ACT**

**ARRANGEMENT OF SECTIONS**

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**SCHEDULE: Public Holidays**



## **CHAPTER 6.09**

### **PUBLIC HOLIDAYS ACT**

*(Act 13 of 2024)*

AN ACT TO DESIGNATE PUBLIC HOLIDAYS IN MONTSERRAT, TO REGULATE THE CONDUCT OF BUSINESS DURING PUBLIC HOLIDAYS AND, FOR RELATED MATTERS.

#### **Commencement**

*[2 May 2024]*

#### **Short title**

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

#### **Interpretation**

2. In this Act—

“**public holiday**” means a day set out in the Schedule or a day appointed as a public holiday by the Governor under section 4 or 8; and

“**shop**” includes any premises where goods are sold or offered for sale.

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

3. The public holidays set out in the Schedule shall be kept as close holidays in all banks and public offices in Montserrat.

#### **Appointment of public holidays**

4. If no date is inserted in respect of a public holiday set out in the Schedule, the Governor, acting on the advice of the Cabinet, shall by proclamation appoint a day to be reserved for the public holiday.

#### **Acts due to be done before public officers on public holidays**

5. If an act is required by law to be done before a public officer on a day and that day is a public holiday, then the act may be lawfully done on the next succeeding day that is not a public holiday, a Saturday or a Sunday.

#### **Bills of exchange and promissory notes due on a public holiday**

6. (1) All bills of exchange and promissory notes which are due and payable on a public holiday shall be payable and, in case of non-payment, may be noted and protested on the next succeeding day, and not on a public holiday.

(2) A noting or protest under subsection (1) 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 immediately succeeding a public holiday shall mean the next succeeding day on which a bill of exchange may be lawfully noted or protested.

(3) 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 subsections (1) and (2) and in section 7 shall be construed as if Saturdays are public holidays.

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

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

7. When the day on which—

- (a) a notice of dishonour of an unpaid bill of exchange or promissory note should be given; or
- (b) a bill of exchange or promissory note should be presented or received for acceptance, or accepted, or forwarded to a referee,

is a public holiday, the notice of dishonour shall be given and the bill of exchange or promissory note shall be presented or forwarded on the day next succeeding the public holiday.

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

8. The Governor, acting on the advice of the Cabinet, may issue a proclamation—

- (a) appointing a day or part of a day to be reserved as a public holiday, and any day or part of a day so appointed shall be kept as a close holiday in all banks and public offices 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) if it appears to him in a special case, that in a year it is inexpedient that a day appointed by this Act as a public holiday should be a public holiday, declaring that the day shall not in that year be a public holiday, and appointing another day as a public holiday, and the day so appointed shall in such year be substituted for the day originally appointed by this Act.

### **Overlapping public holidays, etc.**

9. If a public holiday coincides with another public holiday or falls on a Saturday or Sunday, the next succeeding day that is not a public holiday or a

Saturday or Sunday shall be kept as a public holiday in all banks and public offices.

### **Closure of shops on specified public holidays**

- 10. (1)** A shop may open on a public holiday other than—
- (a) a public holiday set out in subsection (2); or
  - (b) a day or part of a day to be reserved as a public holiday under section 8(a), unless declared otherwise in the proclamation.
- (2)** The public holidays to which this section applies are—
- (a) Good Friday;
  - (b) Day of Prayer and Thanksgiving; and
  - (c) Christmas Day.

### **Exceptions**

- 11.** Despite section 10 and for the avoidance of doubt—
- (a) a drug store or drug shop may open on a public holiday for the purpose of making up prescriptions and supplying drugs;
  - (b) a petrol station may open for the sale of gasoline, oil or motor accessories; or
  - (c) a garage may open for the purpose of effecting emergency repairs to motor vehicles.

### **Penalty for opening on public holidays**

**12.** A person who keeps open a bank, public office or shop in contravention of this Act, commits a summary offence and is liable to a fine of \$1,000.

### **Bank holiday and common law holiday**

- 13. (1)** A reference in an enactment to a bank holiday shall be construed as a reference to a public holiday under this Act.
- (2)** A Sunday is a common law holiday.

### **Amendment of Schedule**

**14.** The Governor, acting on the advice of the Cabinet, may amend the Schedule by Order.

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

1. The following days are annual public holidays—

<b>No.</b>	<b>Public Holiday</b>	<b>Date of Public Holiday</b>
<i>(a)</i>	Anniversary of the birth of the Sovereign	-
<i>(b)</i>	New Year's Day	First day of January
<i>(c)</i>	St. Patrick's Day	17 March
<i>(d)</i>	Good Friday	-
<i>(e)</i>	Easter Monday	-
<i>(f)</i>	Labour Monday	First Monday in May
<i>(g)</i>	Whit Monday	-
<i>(h)</i>	Day of Prayer and Thanksgiving	Second Wednesday in July
<i>(i)</i>	Emancipation Day	First Monday in August
<i>(j)</i>	Christmas Day	25 December
<i>(k)</i>	Boxing Day	26 December
<i>(l)</i>	Festival Day	31 December

2. If a public holiday falls on a Saturday or Sunday, the succeeding Monday is a public holiday.
3. If a public holiday falls on a Saturday and a public holiday falls on the succeeding Sunday, the succeeding Monday and Tuesday are public holidays.
4. If a public holiday falls on a Saturday or a Sunday and a public holiday falls on the succeeding Monday, the succeeding Tuesday is a public holiday.
5. If two public holidays fall on the same day, the succeeding day other than a Saturday or Sunday is a public holiday.