

ACT 601
PUBLIC HOLIDAYS ACT, 2001

ARRANGEMENT OF SECTIONS

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ACT 601
PUBLIC HOLIDAYS ACT, 2001(1)

AN ACT to revise the law on statutory public holidays and to provide for related matters.

1. Public holidays

A day specified in the Schedule is hereby declared a public holiday throughout the Republic.

2. Additional holidays

In addition to the public holidays provided under section 1, the President may, in the public interest, by executive instrument, declare any other day to be a public holiday.

3. Substituted holidays

Where the President is satisfied that it would be inexpedient for a day provided in section 1 to be observed as a public holiday, the President may by executive instrument declare any other day to be observed as a public holiday instead of that day.

4. Prohibition of business on public holidays

(1) Subject to sections 1, 3 and 6 and subsection (2) of this section, a person shall not open a shop for the purposes of selling or trading or engage in a business on a public holiday.

(2) Subsection (1) does not apply to

- (a) food or grocery shops;
- (b) drug or pharmacy shops;

- (c) licensed restaurants or hotels;
- (d) local markets for sale of food or foodstuffs;
- (e) premises licensed for sale of spirit, wine, and beer under the Liquor Licensing Act, 1970 (Act 331);
- (f) the running of an essential public service specified in subsection (3) of this section.

(3) For the purposes of paragraph (f) of subsection (2), “**essential public service**” means any of the following:

- (a) water supply services;
- (b) electricity supply services;
- (c) health and hospital services;
- (d) sanitary services;
- (e) air traffic and civil aviation control services;
- (f) meteorological services;
- (g) fire services;
- (h) air transport services;
- (i) supply and distribution of fuel, petrol, power and light;
- (j) telecommunications services;
- (k) public transport services.

5. Offences and penalties

(1) A person who contravenes section 4 commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

(2) Where an offence under section 4 is committed by a body of persons,

- (a) in the case of a body corporate, every director or officer of that body corporate shall be deemed to have committed that offence;
- (b) in the case of a partnership or firm, every partner of the partnership or firm shall be deemed to have committed that offence.

(3) A person shall not be convicted of an offence under subsection (2) if it is proved that the act which constitutes the offence was committed by some other person without the consent or connivance of that person and that due diligence was exercised to prevent the commission of that act having regard to the circumstances.

6. Exemptions

Where the President is satisfied that it is in the public interest to do so, the President may by executive instrument exempt a class of business or a particular business from section 4 (1).

7. Interpretation

For the purposes of the Act, “**Shop**” includes a store or any premises for the sale of goods.

8. Repeals

Spent.2(2)

Schedule

New Year’s Day (1st January)

Independence Day (6th March)

Good Friday

Easter Monday

Eid-al Adha Festival (Hajj)

Eid-al Fitr (Ramadan)

Worker’s Day (1st May)

Africa Day (25th May)³⁽³⁾

Republic Day (1st July)

Farmers Day (1st Friday in December)

Christmas Day (25th December)

Boxing Day (26th December)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 1st June, 2001 and notified in the *Gazette* on 1st June, 2001.

2 (Popup - Footnote)

2. This Section provides that

“The Public Holidays Law, 1989, (P.N.D.C.L. 220) as amended by the Public Holidays (Schedule Amendment) Law, 1992, (P.N.D.C.L. 274) and Public Holidays (Amendment) Act, 1995 (Act 507) is hereby repealed”.

3 (Popup - Footnote)

3. Added by section 1 of the Public Holidays (Amendment) Act, 2002 (Act 626).