

## **PUBLIC HOLIDAYS BILL**

### **EXPLANATORY NOTE**

THIS Bill consolidates and amends the provisions contained in the Public Holidays Act 1910 and the amendments thereof. The only material changes are those made by—

(a) *Clause 3 (1)*, which specifies (for the purposes of provisions relating to holidays, hours of labour, and rates of wages contained in other Acts, awards, and industrial agreements) the rules to be observed in connection with the Christmas and New Year holidays where Christmas Day and New Year's Day fall on Fridays.

(b) *Clause 4 (b)*, which provides that, for the purposes of other Acts, awards, and industrial agreements, if the anniversary of any province falls on a Tuesday or a Wednesday or a Thursday or a Friday, the preceding Monday is to be observed as if it were that anniversary day.

*Clauses 1 and 2* relate to the Short Title and Interpretation of the Bill.

*Clause 3* specifies (for the purposes of provisions relating to holidays, hours of labour, and rates of wages contained in other Acts, awards, and industrial agreements) the rules to be observed in connection with the Christmas and New Year holidays where Christmas Day and New Year's Day fall on Fridays, Saturdays, and Sundays respectively.

*Clause 4* contains provisions which cause the anniversary of any province to be observed in all cases on a Monday.

*Clause 5* specifies the day on which Labour Day is to be observed. The existing provision relating to the Sovereign's birthday is omitted as the position regarding that holiday is now covered specially by the Sovereign's Birthday Observance Act 1952, and the existing provision regarding Dominion Day is omitted as this no longer needs to be covered. Special provisions regarding Anzac Day are made by the Anzac Day Act 1949.

*Clause 6* and the *Schedule* contain the usual provisions for repeals.

*Hon. Mr Sullivan*

## PUBLIC HOLIDAYS

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Title.	ANALYSIS
1. Short Title.	4. Anniversary days.
2. Interpretation.	5. Labour Day.
3. Christmas and New Year holi- days.	6. Repeals and savings. Schedule.

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### A BILL INTITULED

AN ACT to consolidate and amend the law relating to the observance of certain days as public holidays. **Title.**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Public Holidays Act 1955. **Short Title.**

2. In this Act, unless the context otherwise requires,— **Interpretation.**  
10 “Act” includes any regulation, rule, or order made under any Act: **1948, No. 46, s. 2**

“Award or industrial agreement” includes any instrument or contract relating to the terms of employment of any worker.

No. 106—1

Christmas and  
New Year  
holidays.  
1910, No. 71,  
s. 2 (d)  
1921, No. 31,  
s. 2  
1948, No. 46,  
s. 3

3. (1) Where Christmas Day and New Year's Day fall on Fridays the following rules shall apply with respect to the construction of the provisions of any Act, award, or industrial agreement:

(a) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Saturdays, those provisions shall apply without modification on the Saturdays being Boxing Day and the second day of January: 5 10

(b) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Boxing Day or the second day of January (however those days are described), those provisions shall apply on the next succeeding Monday as if it were Boxing Day or the second day of January, as the case may be. 15

(2) Where Christmas Day and New Year's Day fall on Saturdays the following rules shall apply with respect to the construction of the provisions of any Act, award, or industrial agreement: 20

(a) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Saturdays, those provisions shall apply without modification on the Saturdays being Christmas Day and New Year's Day: 25

(b) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Sundays, those provisions shall apply without modification on the Sundays being Boxing Day and the second day of January: 30

(c) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Christmas Day or New Year's Day, those provisions shall apply on the next succeeding Monday as if it were Christmas Day or New Year's Day, as the case may be: 35 40

(d) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Boxing Day or the second day of January (however those days are described), those provisions shall apply on the next succeeding Tuesday as if it were Boxing Day or the second day of January, as the case may be.

(3) Where Christmas Day and New Year's Day fall on Sundays the following rules shall apply with respect to the construction of the provisions of any Act, award, or industrial agreement:

(a) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Sunday, those provisions shall apply without modification on the Sundays being Christmas Day and New Year's day:

(b) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Christmas Day or New Year's Day, those provisions shall apply on the next succeeding Monday as if it were Christmas Day or New Year's Day, as the case may be:

(c) Where provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on Boxing Day or the second day of January (however those days are described), those provisions shall apply on the next succeeding Tuesday as if it were Boxing Day or the second day of January, as the case may be.

4. Where in any Act, award, or industrial agreement provision is made for the granting of a holiday, or the observance of certain hours of labour, or the payment of certain rates of wages on the day of the anniversary of any province,—

(a) If that day falls on a Saturday or a Sunday, those provisions shall apply on the next succeeding Monday as if it were that anniversary day:

Anniversary days.  
1948, No. 46, s. 4

(b) If that day falls on a Tuesday or a Wednesday or a Thursday or a Friday, those provisions shall apply on the immediately preceding Monday as if it were that anniversary day.

Labour Day.

5. Where in any Act or in any award or industrial agreement reference is made to Labour Day, that reference shall be deemed to be to the fourth Monday in October.

Repeals and savings.

6. (1) The enactments specified in the Schedule to this Act are hereby repealed.

See Reprint of Statutes, Vol. VIII, p. 568

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

#### SCHEDULE

Section 6 (1)

##### ENACTMENTS REPEALED

1910, No. 71—

The Public Holidays Act 1910. (Reprint of Statutes, Vol. III, p. 721.)

1921, No. 31—

The Public Holidays Amendment Act 1921. (Reprint of Statutes, Vol. III, p. 722.)

1946, No. 40—

The Statutes Amendment Act 1946: Section 8 (2).

1948, No. 46—

The Public Holidays Amendment Act 1948.

1949, No. 15—

The Anzac Day Act 1949: Paragraphs (c) and (d) of section 4.

1954, No. 71—

The Labour Department Act 1954: So much of the Third Schedule as relates to the Public Holidays Act 1910.