

STATES OF JERSEY



DRAFT PUBLIC HOLIDAYS AND BANK HOLIDAYS (JERSEY) ACT 201-

Lodged au Greffe on 27th July 2010
by the Chief Minister

STATES GREFFE



Jersey

DRAFT PUBLIC HOLIDAYS AND BANK HOLIDAYS (JERSEY) ACT 201-

REPORT

1. The Chief Minister is proposing to replace the Public Holidays and Bank Holidays Act (Jersey) 1952 with a new Act which will provide more certainty in terms of the timing of public holidays especially where these occur at a weekend. The draft Act seeks to clarify the operation of the rules in relation to Saturdays by stating the rules for Saturdays separately from the rules for Monday to Fridays.
2. Specific points arising from this draft Act include the following –
 - i. there will continue to be a maximum of nine public holidays per year, other than where Liberation Day falls on a Sunday, when there will be eight. (Please see note (vi) below regarding the year 2012).
 - ii. the draft Act seeks to establish that Saturday is not a weekday for the purposes of the Act;
 - iii. it seeks to establish that when New Year's Day falls on a Saturday, the public holiday will be transferred to the following Monday as is the case in the United Kingdom;
 - iv. it seeks to establish that when Liberation Day falls on a Saturday it will be a public holiday;
 - v. it seeks to establish that when Boxing Day falls on a Saturday, the public holiday will be transferred to the following Monday as is the case in the United Kingdom;
 - vi. it proposes that, in order to mark the Queen's Diamond Jubilee in 2012, Monday 4th June will be observed as a public holiday instead of the last Monday in May and Tuesday 5th June will be observed as an additional public holiday.
3. There has been consultation with Public Sector Trade Unions and with Employer organisations representing the private sector on the draft proposals with no problems highlighted.
4. The draft Act does not incur extra costs in general terms except that, in the year 2012, the additional holiday proposed will incur approximately £1.5 million in staff costs in the public sector.

Explanatory Note

This Act would replace the Public Holidays and Bank Holidays (Jersey) Act 1952 (the “1952 Act”).

Article 1 gives effect to the *Schedule*.

Article 2 revokes the 1952 Act.

Article 3 provides for the citation of the Act, which would come into force on the day after the day that it is made.

The Schedule is in 2 Parts. *Part 1* specifies days that are to be observed as public holidays and notes, for information purposes, days which are by custom observed as general holidays. *Part 2* contains rules for years in which there are to be exceptions from the general rules in Part 1.

Part 1 - General Rules

Paragraph 1 defines “weekday” as any of Monday to Friday. It should be noted, when comparing this draft Act with the 1952 Act that, although “weekday” is not defined in the 1952 Act, it is taken to mean any of Monday to Saturday in that Act.

Paragraph 2 merely notes that Sunday is, by custom, a general holiday.

Paragraph 3 states rules related to New Year’s Day. If 1st January falls on any of Monday to Friday, there is a public holiday on that day. If 1st January falls on Saturday, Monday 3rd is a public holiday instead of the Saturday. The following table summarises the rules, showing general holidays in yellow and public holidays in blue –

MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES
1st PH								
	1st PH							
		1st PH						
			1st PH					
				1st PH				
					1st		3rd PH	
						1st	2nd PH	

Paragraph 4 notes that Good Friday is, by custom, a general holiday and restates the existing rule that Easter Monday is a public holiday.

Paragraph 5 restates the existing rules that the first and last Mondays in May are to be observed as public holidays and that Liberation Day is a public holiday if it falls on any of Monday to Saturday.

Paragraph 6 restates the existing rule that the last Monday in August is a bank holiday.

Paragraph 7 notes that Christmas Day is, by custom, a general holiday, restates the existing rules for public holidays associated with Christmas Day and Boxing Day and makes permanent the rule, adopted for 2009, providing that, when 26th December is a Saturday, Monday 28th is the public holiday instead of the Saturday (see P.151/2009). The following table summarises the rules, showing general holidays in yellow and public holidays in blue –

MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES
25th	26th PH							
	25th	26th PH						
		25th	26th PH					
			25th	26th PH				
				25th	26th		28th PH	
					25th	26th	27th PH	28th PH
						25th	26th PH	27th PH

Part 2 - Rules for specific years

This Part will be added to whenever an additional or alternative holiday needs to be specified for a particular year.

Paragraph 1 would have the effect that, in 2012, the last Monday in May is not a public holiday. Instead, Monday 4th June would be a public holiday and Tuesday 5th June would be an additional public holiday.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951¹, have made the following Act –

1 Days to be observed as public holidays

- (1) Part 1 of the Schedule has effect to specify days which are to be observed, in a year, as public holidays and to note, for information purposes only, days which are, by custom, observed as general holidays.
- (2) Paragraph (1) is subject to any rule, specified for a year, in Part 2 of the Schedule.

2 Revocation

The Public Holidays and Bank Holidays (Jersey) Act 1952² is revoked.

3 Citation

This Act may be cited as the Public Holidays and Bank Holidays (Jersey) Act 201-.

SCHEDULE

(Article 1)

DAYS TO BE OBSERVED AS PUBLIC HOLIDAYS**PART 1**

(Article 1(1))

GENERAL RULES**1 Interpretation**

In this Part “weekday” means Monday, Tuesday, Wednesday, Thursday or Friday.

2 Sundays

Sundays are, by custom, observed as general holidays.

3 New Year’s Day

- (1) 1st January is to be observed as a public holiday if it is a weekday.
- (2) If 1st January is a Saturday, Monday 3rd January is to be observed as a public holiday.
- (3) If 1st January is a Sunday, Monday 2nd January is to be observed as a public holiday.

4 Easter

- (1) Good Friday is, by custom, observed as a general holiday.
- (2) Easter Monday is to be observed as a public holiday.

5 May

- (1) The first Monday in May is to be observed as a public holiday.
- (2) Liberation Day (9th May) is to be observed as a public holiday if it is a weekday or Saturday.
- (3) The last Monday in May is to be observed as a public holiday.

6 August

The last Monday in August is to be observed as a public holiday.

7 Christmas Day and Boxing Day

- (1) Christmas Day is, by custom, observed as a general holiday.
- (2) 26th December is to be observed as a public holiday if it is a weekday.
- (3) If 26th December is a Saturday, Monday 28th December is to be observed as a public holiday.
- (4) If 26th December is a Sunday, Monday 27th and Tuesday 28th December are to be observed as public holidays.
- (5) If 26th December is a Monday, Tuesday 27th December is also to be observed as a public holiday.

PART 2

(Article 1(2))

RULES FOR SPECIFIC YEARS**1 2012: Queen's Diamond Jubilee**

In 2012 –

- (a) notwithstanding paragraph 5(3) of Part 1, Monday 4th June is to be observed as a public holiday instead of the last Monday in May; and
- (b) Tuesday 5th June is to be observed as a public holiday.

¹

chapter 15.560

²

R&O.3038 (chapter 15.560.20)