



Tonga

PUBLIC HOLIDAYS ACT

Chapter 22.26

2016 Revised Edition



PUBLIC HOLIDAYS ACT

Arrangement of Sections

Section

1	Short title	5
2	Public holidays.....	5
3	Public holiday to be <i>dies non</i>	6
4	Compulsory closing of stores by Order.....	6
5	Penalty for keeping open store.....	6
6	Exemptions	7



Tonga

PUBLIC HOLIDAYS ACT

AN ACT TO MAKE PROVISION FOR PUBLIC HOLIDAYS¹

Commencement [24th November, 1919]

1 Short title

This Act may be cited as the Public Holidays Act.

2 Public holidays

The days in this section specified that is to say —

- (a) New Year's Day;
- Birthday of the reigning Sovereign of Tonga;²
- Birthday of the Heir to the Crown of Tonga;
- Good Friday;
- Easter Monday;
- Anzac Day — April 25;³
- Emancipation Day — June 4;
- Anniversary of the Coronation Day of the reigning Sovereign of Tonga;
- Constitution Day — November 4;
- Anniversary of the Coronation of H.M. King George Tupou I — December 4;
- Christmas Day and the day immediately succeeding Christmas Day; and

(b) any special day that Cabinet may from time to time appoint, shall be kept and observed as public holidays:

Provided that when any public holidays specified, except Christmas Day, the day immediately succeeding Christmas Day, New Years Day, Good Friday, Easter Monday, ANZAC Day, Birthday of the reigning Sovereign of Tonga and Birthday of the Heir to the Crown of Tonga falls upon a Thursday, Friday, Saturday or Sunday, that public holiday shall be celebrated on the next following Monday; and if it falls on a Tuesday or Wednesday, that public holiday shall be celebrated on the Monday before the actual public holiday.⁴

Further provided that the Birthday of the reigning Sovereign of Tonga and the Birthday of the Heir to the Crown of Tonga shall be celebrated on the day it falls, unless it falls on a Sunday in which case it would be celebrated on the next following Monday.⁵

3 Public holiday to be *dies non*

No person shall be compelled to make any payment or do any act upon any of such public holidays which he would not be compellable to make or do upon a Sunday and the making of such payment and doing such act on the day following such public holiday shall be equivalent to payment of the money or performance of the action on such holiday.

4 Compulsory closing of stores by Order

It shall be lawful for Cabinet by Order from time to time to direct that all stores, shops and other places of business in all towns throughout the Kingdom or in any one or more of such towns as may be specified in the order shall be and remain closed upon any one or more of the days specified in section 2 hereof or upon any such special day or days as Cabinet by Order shall appoint to be kept as public holidays.⁶

5 Penalty for keeping open store

Whensoever by Order made under section 4, stores, shops and places of business in any town or towns within the Kingdom are directed to be and remain closed upon a day or days specified in such order it shall be unlawful for any person to keep open any store, shop or other place of business other than a hotel in any of the towns named in such order or to sell or cause to be sold in any such store, shop or other place of business any goods or articles whatsoever. Any person who shall contravene the provisions of this section shall on conviction therefor before the Magistrate from the district where the offence was committed be liable to a fine not exceeding \$100 and in default of payment to imprisonment for any term not exceeding 2 months.⁷

6 Exemptions

There shall be excepted from the operation of the last preceding section —

- (a) the sale of any drugs or medicines;
- (b) the sale of bread, butter, fresh milk, fresh meat, fresh fish and ice not later than noon;
- (c) the sale of refreshments in any ice cream stores, tea or refreshment rooms;
- (d) the sale of any article required for the burial of a dead body

ENDNOTES

¹ **1988 Revised Edition Cap. 51** - Acts 8 of 1919, 11 of 1970, 18 of 1988

Amending Acts since 1988

Amending Acts	Commencement
Act 10 of 2010	21 May 2010
Act 42 of 2010	24 November 2010
Act 5 of 2013	28 June 2013

² By Cabinet Decision of 6th July 2012 this date was declared to be 4th July

³ Appointed by RR 124/29

⁴ Amended by Acts 11 of 1970, 10 of 2010, 42 of 2010 and 5 of 2013

⁵ Inserted by Act 5 of 2013

⁶ By G 203/37 it was ordered “that Christmas Day and Good Friday being days specified in section 2 of the Public Holidays Act shall until further notice be days to be observed throughout the Kingdom as days on which business (other than the sale of bread, fresh milk, fresh fish and fresh meat) shall be suspended in terms of sections 3 and 4 of the said Act.”

Amended by Act 42 of 2010.

⁷ Amended by Acts 18 of 1988 and 42 of 2010.