

PUBLIC HOLIDAYS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Public holidays.

1. Power to appoint special days to be public holidays.
2. Power to alter day appointed to be a public holiday.
3. Provisions as to acts on public holidays.
4. Days to be kept as public holidays when public holidays fall on Fridays to Mondays.
5. Provisions as to government departments working on Saturdays, Sundays and public holidays.
6. Short title.

SCHEDULE

An Act to repeal all the State Laws on public holidays and to make provisions for the whole of the Federation for public holidays and other related matters.

[1979 No. 31

[1 *st* January, 1979]

[Commencement.]

1. Public holidays

The days mentioned in the Schedule to this Act shall be kept as public holidays throughout Nigeria.

[Schedule.]

1. Power to appoint special days to be public holidays

(1) In addition to the days mentioned in the Schedule to this Act, the President may by public notice appoint a special day to be kept as a public holiday either throughout Nigeria or in any part thereof, and any day so appointed shall be kept as a public holiday.

1 Schedule.]

(2) Subject to section 1 of this Act and subsection (1) of this section, the Governor of a State may by public notice appoint a special day to be kept as a public holiday in the State concerned or in any part thereof, and any day so appointed shall be kept as a public holiday.

(3) In this section “**public holiday**” includes part of a day and any day declared as a work-free day.

1. Power to alter day appointed to be a public holiday

The Minister for Internal affairs (hereinafter referred to as “the Minister”) may by public notice, when it appears to him in any special case that in any year it is inexpedient that a day appointed by section 1 of this Act to be kept as a public holiday should be kept as a public holiday, declare that such day shall not be kept as a public holiday and may appoint such other day as he may think fit to be kept as a public holiday instead of such day, and thereupon the day appointed shall be substituted for the day in such year appointed by this Act:

Provided that where a day declared to be kept as a public holiday for the celebration of a religious festival is found not to be the actual day on which the adherents of the religion concerned perform the religious festival, it shall be lawful for such adherents to take time off work on that actual day for the celebration of such festival.

1. Provision as to acts on public holidays

No person shall be compellable to do any act on a day appointed by or under the provisions of this Act to be kept as a public holiday which he would not be compellable to do on a Sunday.

5. Days to be kept as public holidays when public holidays fall on Fridays to Mondays

Notwithstanding any other provision of this Act but subject to section 3 thereof—>

(a) if two days appointed as public holidays fall successively on a Friday and a Saturday, only the Friday concerned and no additional day in lieu of that Saturday shall be kept as a public holiday;

(b) if any day appointed to be a public holiday falls on a Saturday or a Sunday, only the Saturday or Sunday concerned and no other day in lieu of either of such days shall be kept as a public holiday;

(c) if two days appointed as public holidays fall successively on a Saturday and a Sunday, only the Saturday and Sunday concerned and no additional day or

days in lieu of the Saturday and Sunday shall be kept as public holidays; and

(d) if two days appointed as public holidays fall successively on a Sunday and a Monday, only the Monday concerned and no additional day in lieu of that Sunday shall be kept as a public holiday.

6. Provisions as to Government Departments working on Saturdays, Sundays and public holidays

(1) Notwithstanding any of the foregoing provisions of this Act, the Permanent Secretary of a Ministry or the head of any Government Department may, unless otherwise ordered by the appropriate authority, if the interest of the public service or the convenience of the public demand it, require all or any of the persons serving in his Ministry or Department, as the case may be, to perform on a Saturday, Sunday or public holiday such of their duties as he may deem necessary.

(2) In this section, the “**appropriate authority**” means—

(a) with respect to any Ministry or Department of the Government of the Federation, the Minister for Internal Affairs; and

(b) with respect to any Ministry or Department of the Government of a State, the State Commissioner charged with responsibility for matters relating to public holidays.

(3) In this section, references to Department include references to any court or tribunal set up pursuant to any enactment or any other public institution the emoluments of whose employees are paid out of the Consolidated Revenue Fund of the Federation or of a State or any other public fund of the Federation or of a State, and references to members of the armed forces of the Federation and the Nigeria Police Force.

1. Short title

(l) This Act may be cited as the Public Holidays Act.

SCHEDULE

[Section I. 1984 No. 26. 2000 No. 81

1. New Year's Day
2. Good Friday
3. Easter Monday
4. Workers' Day (1 st May)
5. Democracy Day (29th May)
6. National Day (1 st October)

7. Christmas Day

8. Such day as the Minister may declare to be a public holiday in celebration of the Muslim festival of Id el Fitr

9. Such day as the Minister may declare to be a public holiday in celebration of the Muslim festival arId el Kabir

10. Such day as the Minister may declare to be a public holiday in celebration of the birthday of the Prophet Muhammed (Id el Maulud)

SUBSIDIARY LEGISLATION

No Subsidiary Legislation