



# South African Government Information



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## Acts

### OFFICE OF THE PRESIDENT

No. 2088 7 December 1994

NO. 36 OF 1994: PUBLIC HOLIDAYS ACT, 1994.

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

### ACT

To make provision for a new calendar of public holidays; to provide that the public holidays be paid holidays; and for matters incidental thereto.

(Afrikaans text signed by the President.) (Assented to 23 November 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as B follows-

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### Definitions

1. (1) In this Act, unless the context otherwise indicates- "public holidays" means the days mentioned in Schedule 1; and "this Act" includes the Schedules.

(2) Any reference in any law to public holidays, shall be deemed to be a reference to the public holidays as defined in this Act.-

### Days to be observed as public holidays

2. (1) The days mentioned in Schedule 1 shall be public holidays, and whenever any public holiday falls on a Sunday, the following Monday shall be a public holiday.

(2) Notwithstanding the provisions of subsection (1), any public holiday shall be exchangeable for any other day which is fixed by agreement or agreed to between an employer and employee.

Non-business days for bills of exchange and promissory notes

3. Sunday or any public holiday shall be deemed to be a non-business day within the meaning of any law relating to bills of exchange or promissory notes.

#### Amendment and repeal of laws

4. (1) The laws referred to in column 2 of Schedule 2 are hereby amended or repealed to the extent as indicated in column 3 of that Schedule.

(2) The references to the former Republic of South Africa in Schedule 2 shall be construed as references to the territory of the Republic of South Africa as it was immediately before the commencement of the Constitution, 1993.

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#### Employee entitled to paid public holidays

5. (1) Subject to the provisions of subsection (2), every employee shall be entitled to -

(a) at least the number of public holidays as provided for in this Act;

(b) payment for every public holiday, which payment shall be at least as favourable as the payment provided for by section 11 of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983).

(2) Where an employee, in terms of any wage regulating measure referred to in section 1(i) of the Labour Relations Act, 1956 (Act No. 28 of 1956), agreement or contract of employment, is entitled to more than the number of public holidays as provided for in this Act, such regulating measure, agreement or contract of employment shall insofar as it relates to the number of public holidays, not be affected by the provisions of this Act.

(3) Notwithstanding the proviso to section 3 of the Agricultural Labour Act, 1993 (Act No. 147 of 1993), the amendment to the Basic Conditions of Employment Act, 1983, as contained in Schedule 2, shall apply to farming activities and employers and employees engaged therein.

#### Short title and commencement

6. This Act shall be called the Public Holidays Act, 1994, and shall come into operation on 1 January 1995.

#### SCHEDULE 1

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#### (SECTION 2)

Calendar of public holidays  
New Year's Day 1 January  
Human Rights Day 21 March  
Good Friday Friday before Easter Sunday  
Family Day Monday after Easter Sunday  
Freedom Day 27 April  
Workers' Day 1 May  
Youth Day 16 June  
National Women's Day 9 August  
Heritage Day 24 September

24 September Day of Reconciliation 16 December Christmas Day 25  
December Day of Goodwill 26 December

## SCHEDULE 2

### (SECTION 4(1))

#### NUMBER AND YEAR OF SHORT TITLE EXTENT OF AMENDMENT OR REPEAL LAW

Act No. 5 of 1952 Public Holidays Act, 1952, of the Repeal of the  
whole.

former Republic of South Africa

Act No. 27 of 1956 Mines and Works Act, 1956 Repeal of the whole,  
so far as any provision thereof deals with any day other than a  
Sunday.

Act No. 68 of 1961 Public Holidays Amendment Act, Repeal of the  
whole. 1961, of the former Republic of South Africa

Act No. 39 of 1973 Public Holidays Amendment Act, Repeal of the  
whole. 1973, of the former Republic of South Africa

Act No. 72 of 1980 Public Holidays Amendment Act, Repeal of the  
whole. 1980, of the former Republic of South Africa

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Act No. 3 of 1983 Basic Conditions of Employment Amend section I b  
the substitution for Act, 1983, of the former Republic the definition o  
"public holiday" the of South Africa following definition:

" 'public holiday'-

[(a) when it is used in relation to an employee who is employed in o  
in connection with a shop or an office, or in so far as a provision in  
which it is used is applied with respect to any such employee, means  
a day which is a public holiday in terms of section I or declared as  
such under section 2 of the Public Holidays Act, 1952 (Act No. 5 of  
1952);

(b) when it is used in relation to an employee who is not so  
employed, or in so far as a provision in which it is used is applied wit  
respect to an employee who is not so employed, means New Year's  
Day, Good Friday, Ascension Day, Workers' Day, Republic Day, Day  
the Vow or Christmas Day;] means a public holiday as defined in the  
Public Holidays Act, 1994;".

Act No. 29 of 1976 Public Holidays Act, 1976, of the Repeal of the  
whole. former Republic of Transkei

Act No. 3 of 1978 Public Holidays Act, 1978, of the Repeal of the  
whole. former Republic of Bophuthatswana

Act No.28 of 1979 Public Holidays Amendment Act, Repeal of the

whole. 1979, of the former Republic of Bophuthatswana

Act No. 5 of 1980 Public Holidays Act, 1980, of the Repeal of the whole, Republic of Venda

Act No. 4 of 1982 Public Holidays Amendment Act, Repeal of the whole. 1982, of the former Rep of Venda

Act No.3 of 1981 Public Holidays Act, 1981, of the Repeal of the whole. former Republic of Ciskei

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