

**SAMOA**

## Arrangement of Provisions

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|---------------------------------|--------------------------------------|
| 1. Short title and commencement | 4. Section 7 substituted             |
| 2. Section 2 amended            | 5. Repeal of Shops Ordinance<br>1961 |
| 3. Section 5 amended            |                                      |

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**2015, No. 10****AN ACT to amend the Public Holidays Act 2008 (“principal Act”) and to repeal the Shops Ordinance 1961.***[27<sup>th</sup> March 2015]*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title and commencement** - This Act may be cited as the Public Holidays Amendment Act 2015, and commences on the date of assent by the Head of State.

**2. Section 2 amended** - In section 2 of the principal Act for the definition of “shop” substitute:

““shop” means any premises or part of any premises licensed under the Business Licences Act 1998 where goods or services are sold.”.

**3. Section 5 amended** - In section 5 of the principal Act:

- (a) for the full stop at the end of paragraph (n), substitute a semi-colon; and
- (b) after paragraph (n), insert:

“(o) an international bank licensed under the International Banking Act 2005;

(p) a trustee company registered under the Trustee Companies Act 1988;

(q) an international company or foreign company incorporated or registered under the International Companies Act 1988.”.

**4. Section 7 substituted** - For section 7 of the principal Act substitute the following sections:

**“7. Other public holidays-**(1) The Head of State may, acting on the advice of Cabinet, declare any day to be a public holiday.

(2) When a state of emergency is declared or proclaimed under any enactment, the Head of State may, acting on the advice of Cabinet, declare any day within the period of state of emergency as an emergency holiday for the whole or part of Samoa.

(3) When advising the Head of State to declare an emergency holiday, Cabinet must take into account the following:

- (a) the actual effect of the emergency on the public;
- (b) the actual damages to the infrastructure; and
- (c) any other government policy relating to emergencies.

(4) When an emergency holiday is declared under subsection (2), the emergency holiday is treated as a public holiday for the purpose of this Act and any other enactment.

(5) A declaration for an emergency holiday must include:

- (a) the authority for employees to work during the emergency holiday;

(b) the rate of pay for employees who work during the emergency holiday; and

(c) any other requirements for the purpose of the emergency holiday.

(6) The rate of pay under subsection (5)(b) may be a special rate between the ordinary rate of wages for the day's work and the doubling of the ordinary rate if an employee is required by the employer to work on an emergency holiday.

(7) The power to declare a public holiday under subsection (2), includes the power to revoke any emergency holiday that has not been taken or to impose other requirements pursuant to subsection (5).

**7A. Employer's holiday-**(1) The Minister, may upon application ("application") by an employer to the Minister, declare any day as an employer's holiday in respect of the employer and employees of the employer.

(2) The employer's holiday is treated as a public holiday for the purpose of this Act and any other enactment.

(3) The application must:

(a) be in a form approved by the Minister; and

(b) be accompanied by the prescribed fee.

(4) An application may be made by a group of employers or the employers of an industry.

(5) The power under subsection (1) includes the following powers:

(a) to refuse the application;

(b) to impose conditions (including approval of employees who may be required to work during the employer's holiday and the rate of pay to be payable);

(c) to suspend the taking of the holiday to another day;

(d) to revoke the declaration before the holiday is taken.

(6) This section does not apply to the Government."

**5. Repeal of Shops Ordinance 1961** - The Shops Ordinance 1961 is repealed.

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**The Public Holidays Amendment Act 2015 is administered  
by the Ministry of Commerce, Industry and Labour.**

**Printed by the Clerk of the Legislative Assembly,  
by authority of the Legislative Assembly.**