

ලංකා රජයේ ගැසට් පත්‍රය

අති විශේෂ

THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 14,726/12 — 1966 දෙසැම්බර් 22 වැනි බ්‍රහස්පතින්දා — 1966.12.22

No. 14,726/12 — THURSDAY, DECEMBER 22, 1966

(Published by Authority)

PART I: SECTION (I)—GENERAL

Government Notifications

L.D.—B. 30/65.

THE HOLIDAYS ACT, No. 17 OF 1965

REGULATIONS made by the Minister of Home Affairs, with the concurrence of the Minister of Labour, Employment and Housing, under section 11 of the Holidays Act, No. 17 of 1965, and approved by the Senate and the House of Representatives.

W. DAHANAYAKE,
Minister of Home Affairs.

Colombo, December 20, 1966.

Regulations

- Short title. 1. These Regulations may be cited as the Holidays Regulations (No. 1) of 1966.
- Amendments or modifications of written laws. 2. The written laws specified in column I of the Schedule to these regulations are hereby amended or modified to the extent or in the manner specified in the corresponding entries in column II of that Schedule.

SCHEDULE

I Written laws

1. The Interpretation Ordinance (Chapter 2).

(a) In section 2,—

(i) by the insertion, immediately after paragraph (t) of that section, of the following new paragraph :—

'(tt) " Poya Day " shall have the same meaning as in the Holidays Act, No. 17 of 1965, and the expression " Poya Days " shall be construed accordingly ; ' ; and

(ii) by the substitution, for paragraph (v) of that section, of the following new paragraph :—

'(v) " public holiday " shall have the same meaning as in the Holidays Act, No. 17 of 1965, and the expression " public holidays " shall be construed accordingly ; '.

(b) In section 8, by the omission of the expression " Sunday or " wherever that expression occurs in sub-section (3) and (4) of that section.

2. The Factories Ordinance (Chapter 128).

(1) In Part VII, by the substitution, for the heading " Employment of Women and Young Persons ", of the heading " Employment of Workers ".

(2) In paragraph (b) of section 67, by the substitution, for the expression " on not less than one day in the week, one o'clock in the afternoon ; ", of the following :—

" one o'clock in the afternoon on not less than one day in the week, such day being the day immediately preceding a Poya Day or, if there is no such day falling in that week, any other day in that week ; ".

(3) In section 73, by the substitution, for paragraph (a) of sub-section (1) of that section, of the following new paragraph :—

"(a) a worker, other than a worker to whom the decisions of a Wages Board apply, shall not be employed in a factory on any day in any week which is a Poya Day or, if there is no Poya Day falling in that week, on one day in such week, nor shall any such worker employed in any factory on any other day of the week, be employed on Poya Day or such day in or about the business of the factory or in any other business carried on by the occupier, provided however that any such worker, other than a woman or young person, may be employed on such day subject to the condition that he shall be paid not less than one and a half times his normal rate of wages for a normal period of employment on such day and shall also be granted an alternate holiday within the next six days ; and ".

(4) In section 74, by the substitution, for the word " women " occurring in that section and the marginal note thereto, of the word " workers ".

I
 Written laws

II
 Amendments or modifications

- (5) In Part VII, by the insertion, immediately after section 78, of the following new section :—
 ‘Definition 78A. In this Part of this Ordinance, the term “worker” means of worker. a person employed in a factory, and includes a woman or young person so employed.’
- (6) By the insertion in section 127 (1), immediately after the definition of “transmission machinery”, of the following new definition :—
 “Wages Board” means a Wages Board established under the Wages Boards Ordinance ;”.
3. The Shop and Office Employees (Regulation of Employment and Remuneration) Act (Chapter 129).
- (1) In section 5 as follows :—
 (a) by the repeal of sub-section (1) of that section and the substitution thereof of the following new sub-section :—
 “(1) Every person employed in or about the business of any shop or office shall, in respect of each week, be allowed one whole holiday and one half-holiday. Such holidays shall be so allowed with full remuneration if such person has worked for not less than twenty-eight hours, exclusive of any period of overtime work, during that week :
 Provided that regulations may be made modifying the preceding provisions of this sub-section in their application to persons employed in work of any specified class or description, by the substitution, for the period of twenty-eight hours of some shorter or longer period.” ;
- (b) by the renumbering of sub-section (2) of that section as paragraph (a) of that sub-section ;
- (c) in renumbered paragraph (a) of the said sub-section (2), by the substitution, for all the words and figure from “The holidays due” to “immediately succeeding :”, of the following :—
 “The holidays due under sub-section (1) in respect of any week, that is to say, the one whole holiday and the one half-holiday, shall be allowed on a Poya Day and the day immediately preceding a Poya Day, respectively, falling in that week, provided that where a holiday declared by Order under section 7 does not fall on such first-mentioned Poya Day or on such day immediately preceding a Poya Day, or where the holidays so due cannot be so allowed by reason of either or both such first-mentioned Poya Day and the day immediately preceding a Poya Day not falling in that week or a holiday declared by Order under section 7 falling on a Poya Day or the day immediately preceding a Poya Day in that week, on any day or days in that week or in the week immediately succeeding”.
- (d) by the insertion, immediately after renumbered paragraph (a) of the said sub-section (2), of the following new paragraphs :—
 “(b) A person to whom the provisions of sub-section (1) apply may, notwithstanding the provisions of paragraph (a) of this sub-section, be employed for a normal period of employment on either or both a Poya Day and the day immediately preceding a Poya Day, such days not being holidays declared by Order under section 7, if, not being a person to whom the first proviso to the said paragraph (a) applies, such person is remunerated at double the rate at which he is ordinarily remunerated for such employment on any day, and is also allowed either or both, as the case may be, one whole holiday and one half-holiday on or before the seventh day immediately succeeding such Poya Day or day immediately preceding a Poya Day which shall be in addition to any other holiday to which he may be entitled under any of the provisions of this Act.
 The holiday or holidays so allowed shall be with full remuneration if such person has worked for not less than twenty-eight hours exclusive of any period of overtime work in the week in which he was employed on the Poya Day or the day immediately preceding a Poya Day.
- (c) Subject to the provisions of paragraph (d) of this sub-section, the preceding provisions of this sub-section shall not apply to a person employed in or about the business—
 (i) of a shop to which a closing order under section 40 is made applicable and in which the full closing day and the half closing day specified in that order are not the Poya Day and the day immediately preceding such Poya Day ; or
 (ii) of a shop situated in any premises where the only trade or business carried on is that of a chemist, druggist, pharmacist, optician, dealer in surgical goods, or dealer in ayurvedic medicines ; or
 (iii) of a butcher’s shop, a shop in which the sale of fresh fish is carried on, a florist’s shop, an ice merchant’s shop, a photographer’s shop, a tobacconist’s shop, or a shop used for the sale of any one or more of the following commodities, namely, fresh fruit, fresh vegetables, betel, chewing tobacco, arecanuts, grass, straw and poonac ; or
 (iv) of a restaurant, an eating house, a cafe, a tea kiosk, a petrol service station, a dairy, a milk bar, a cinema, a play house or other place of public entertainment or amusement, a news agent, a book stall at a railway station or at a hotel, a bakery, a shop in which the wholesale or retail business of supplying stores to ships is carried on, or a shop in which the sale of medicinal herbs is carried on.
- (d) In any case referred to in sub-paragraphs (i) to (iv) of paragraph (c) of this sub-section, any person to whom any such sub-paragraph applies shall instead be allowed the holidays, with or without full remuneration, as the case may be, due to him under sub-section (1) in respect of any week either in that week or in the week immediately succeeding”.
- (2) In section 40—
 (a) by the substitution, in sub-section (1) of that section, for the expression “Subject to the provisions of section 41, an order”, of the expression “An order” ;
 (b) by the substitution in paragraph (a) of sub-section (2) of that section, for the expression “in every week ;”, of the expression “in every week, or in every period ;” ;
 (c) by the substitution in paragraph (b) of sub-section (2) of that section, for the expression “in every week ; and”, of the expression “in every week, or in every period ; and” ; and

I
Written laws

II
Amendments or modifications

- (d) by the substitution in paragraph (c) of sub-section (2) of that section, for the expression "in every week.", of the expression "in every week, or in every period." ;
- (e) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section :—
- " (3) For the purposes of sub-section (2), the term "period" means the period between midnight on the night of the day immediately preceding any Poya Day and midnight on the night of the day immediately preceding the succeeding Poya Day. "

(3) Section 41 is hereby repealed.

4. The Wages Boards Ordinance In section 24—
(Chapter 136).

- (a) by the substitution in paragraph (c) of sub-section (1) of that section, for the expression "a day in each week", of the expression "a day in each week or every Poya Day in each week, or, where no Poya Day falls in any week, a day in such week,"; and
- (b) by the substitution in sub-section (4) of that section, for the expression "differently for the different days of the week," of the expression "differently for the different days of the week, differently for the day immediately preceding a Poya Day or, where no such Poya Day falls in any week, a day in such week,".

12-1294