

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Public holidays on 28 December 2011 and 4 June 2012

Paper No: 189/11

Date: 28 September 2011

Report of: Chief Executive
Attorney General

1. Purpose

The purpose of this paper is to seek Executive Council's approval for the notice to be issued in the Gazette appointing 28 December 2011 and 4 June 2012 as public holidays.

2. Recommendations

Executive Council is recommended to advise the Governor to issue a notice in the form of the attached draft.

3. Summary of Financial Implications

None

4. Background

28 December 2011

4.1 It is proposed to adopt the same temporary fix for the third public holiday at Christmas that was adopted last year (see ExCo paper 268/10 – copy attached for ease of reference).

4.4 Because it has not been regarded as a priority, no further work has been done on the draft Bill to amend section 72 of the Interpretation and General Clauses Ordinance to include the traditional third public holiday at Christmas.

4.3 Last year, the Governor issued a notice under section 72(3) of the Interpretation and General Clauses Ordinance appointing 29 December 2010 (the Wednesday of the

week between Christmas and New Year) as a public holiday. It is proposed that the same should be done again this year.*

4 June 2012

4.1 At its meeting on 28 July 2011, Executive Council decided that 4 June 2012 should be a public holiday for the Queen's Diamond Jubilee.

4.2 As was done for the Royal Wedding public holiday this year, the Governor will need to issue a notice under section 72(3) of the Interpretation and General Clauses Ordinance appointing 4 June 2012 as a public holiday to give that decision legal effect.

5. Financial Implications

None

6. Legal Implications

The legal implications are set out as background in section 4.

7. Human Resources Implications

There are no new HR implications in relation to the public holiday on 28 December 2011 – all that is being proposed is that the legal position is brought into line with existing practice.

The two additional Government Holidays on 30 December 2010 and 31 December 2010 would not be affected.

HR advise implications for 4 June 2012:-

1. In essence the Government will effectively lose one day's work per head on the date in question, (with the exception of those who will be working to provide the necessary skeleton service). This is a significant overhead with over 550+ staff, particularly when the cost of any additional allowances paid to those who are required to attend on the day in question are factored in.
2. As the date will also fall within a school term then the school will have to be closed.
3. We will have to ensure that if this proposal is passed any new contract statements issued up to the date in question reflect that this additional public holiday is a once off exception and not an on going contractual entitlement

* In 2011, Christmas Day falls on a Sunday and Boxing Day on a Monday, so 26 December 2011 and 27 December 2010 (the Tuesday) will be public holidays under section 72. New Year's Day falls on a Sunday, so 2 January 2012 will be a public holiday under section 72.

4. If the motion is passed, Departments should be made aware of this holiday as soon as possible to ensure that their budget and resourcing plans can be appropriately amended to incorporate this unexpected down time in the 2011/12 financial year.

DRAFT: 29.8.2011

FALKLAND ISLANDS

Interpretation and General Clauses Ordinance
section 72

Appointment of Public Holiday

1. Section 72(3) of the Interpretation and General Clauses Ordinance (Title 67.2) provides the Governor may by notice in the Gazette appoint a day to be a public holiday.
2. 28 December 2011 will be a public holiday.
3. 4 June 2012 will also be a public holiday.

Dated 2011

N. R. Haywood C.V.O.,
Governor.

EXPLANATORY NOTE
(not part of the notice)

In 2011, the traditional third public holiday at Christmas will be taken on the Wednesday (28 December).

It is traditional that there is a third public holiday at Christmas (in addition to public holidays for Christmas Day and Boxing Day). The third public holiday is not provided for in section 72(1) of the Interpretation and General Clauses Ordinance (Title 67.2), so it needs to be dealt with in a notice under section 72(3).

To mark the Diamond Jubilee of Her Majesty Queen Elizabeth's accession to the throne, 4 June 2012 will also be a public holiday.

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Appointment of 29 December 2010 as public holiday

Paper No: 268/10

Date: 26 November 2010

Report of: Acting Chief Executive
Legislative Drafter

1. Purpose

The purpose of this paper is to seek Executive Council's approval for a notice to be issued in the Gazette appointing 29 December 2010 as a public holiday.

2. Recommendations

Executive Council is recommended to advise the Governor to issue a notice in the form of the attached draft.

3. Summary of Financial Implications

None

4. Background

4.1 It emerged earlier in the year that, although everyone seems to have assumed that there are three public holidays at Christmas, the provision in Interpretation and General Clauses Ordinance that deals with public holidays (section 72) does not actually include the third of these and has not done so since 1991.

4.2 Some initial work has been carried out on a draft Bill to correct this for the future and also to deal retrospectively with the position since 1991. However, this work has not been treated as a high priority and the draft Bill is not yet ready. Even if it were, it could not now be published in the *Gazette* and presented to the Legislative Assembly in time for this year's Christmas holiday.

4.3 As a temporary fix, it would be possible for the Governor to issue a notice under section 72(3) of the Interpretation and General Clauses Ordinance appointing 29 December 2010 (the Wednesday of the week between Christmas

and New Year) as a public holiday.* That notice would have to be published in the *Gazette* and this could be done at the end of November (in time for this year's Christmas holiday).

4.4 It is planned to progress the Bill during next year but, of course, this depends on competing priorities.

5. Financial Implications

There are no new financial implications – all that is being proposed is that the legal position is brought into line with existing practice.

6. Legal Implications

The legal implications are set out as background in section 4.

7. Human Resources Implications

There are no new HR implications – all that is being proposed is that the legal position is brought into line with existing practice.

The two additional Government Holidays on 30 December 2010 and 31 December 2010 would not be affected.

* In 2010, Christmas Day falls on a Saturday and Boxing Day falls on a Sunday, so 27 December 2010 (the Monday) and 28 December 2010 (the Tuesday) are already public holidays under section 72. New Year's Day falls on a Saturday, so 3 January 2011 is also a public holiday under section 72.

DRAFT: 9.11.2010 (RMB)

FALKLAND ISLANDS

Interpretation and General Clauses Ordinance
section 72

Appointment of Public Holiday

1. Section 72(3) of the Interpretation and General Clauses Ordinance (Title 67.2) provides the Governor may by notice in the Gazette appoint a day to be a public holiday.
2. 29 December 2010 will be a public holiday.

Dated November 2010

N. R. Haywood C.V.O.,
Governor.

EXPLANATORY NOTE
(not forming part of the notice)

Under section 72(1) of the Interpretation and General Clauses Ordinance (Title 67.2), Christmas Day and Boxing Day are public holidays. When one (or, as in 2010, both) of those days falls on a Saturday and/or a Sunday, public holidays are given on the Monday and/or Tuesday instead under section 72(2).

It is also traditional that there is a third public holiday at Christmas but this is not provided for in section 72(1).

In 2010, Christmas Day falls on a Saturday and Boxing Day falls on a Sunday, so the Monday (27 December) and Tuesday (28 December) are public holidays.

The effect of this notice is that, in 2010, the traditional third public holiday at Christmas in 2010 will be taken on the Wednesday (29 December).