

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).