



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE PRESIDENT

No. 2088. 7 Desember 1994

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

No. 36 van 1994: Wet op Openbare Vakansiedae, 1994.

OFFICE OF THE PRESIDENT

No. 2088. 7 December 1994

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

No. 36 of 1994: Public Holidays Act, 1994.

# WET

**Om voorsiening te maak vir 'n nuwe kalender van openbare vakansiedae; om voorsiening te maak dat openbare vakansiedae betaalde vakansiedae is; en vir aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die President geteken.)  
(Goedgekeur op 23 November 1994.)*

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Woordomskrywing

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken— 5  
     “hierdie Wet” ook die Bylaes; en  
     “openbare vakansiedae” die dae genoem in Bylae 1.  
     (2) Enige verwysing na openbare vakansiedae in enige wet, word geag 'n  
     verwysing te wees na die openbare vakansiedae soos omskryf in hierdie Wet.

## Dae wat as openbare vakansiedae in ag geneem moet word

2. (1) Die dae in Bylae (1) genoem, is openbare vakansiedae, en wanneer enige 10  
     openbare vakansiedag op 'n Sondag val, is die daaropvolgende Maandag 'n  
     openbare vakansiedag.  
     (2) Ondanks die bepalings van subartikel (1), is enige openbare vakansiedag  
     uitruilbaar vir enige ander dag wat by wyse van ooreenkoms bepaal is of waaroor 15  
     'n werkgewer en werknemer ooreengekom het.

## Nie-besigheidsdae vir wissels en promesses

3. Sondag of enige openbare vakansiedag word geag 'n nie-besigheidsdag binne  
     die bedoeling van enige wet met betrekking tot wissels of promesses te wees.

## Wysiging en herroeping van wette

4. (1) Die wette bedoel in kolom 2 van Bylae 2 word hierby gewysig of herroep 20  
     in die mate aangedui in kolom 3 van daardie Bylae.  
     (2) Die verwysings na die voormalige Republiek van Suid-Afrika in Bylae 2  
     word uitgelê as verwysings na die gebied van die Republiek van Suid-Afrika soos  
     dit onmiddellik voor die inwerkingtreding van die Grondwet, 1993, was.

## Werknemer geregtig op betaalde vakansiedae

5. (1) Behoudens die bepalings van subartikel (2), is elke werknemer 25  
     geregtig —  
     (a) op ten minste die getal openbare vakansiedae waarvoor in hierdie Wet  
         voorsiening gemaak word;  
     (b) op betaling vir elke openbare vakansiedag, welke betaling ten minste net 30  
         so gunstig moet wees as die betaling waarvoor in artikel 11 van die Wet  
         op Basiese Diensvoorwaardes, 1983 (Wet No. 3 van 1983), voorsiening  
         gemaak word.  
     (2) Indien 'n werknemer ingevolge enige loonreërende maatreël bedoel in 35  
     artikel 1(1) van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956),  
     ooreenkoms of dienskontrak op meer openbare vakansiedae as die aantal dae  
     waarvoor in hierdie Wet voorsiening gemaak word, geregtig is, word sodanige

# 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.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. (1) In this Act, unless the context otherwise indicates—  
5 “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

- 10 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  
15 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

- 20 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.

## 25 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;  
30 (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(1) of the Labour Relations Act, 1956 (Act No. 28 of 1956), agreement or contract of employment, is entitled to more than the number of

reëlende maatreël, ooreenkoms of kontrak, in soverre dit op die aantal vakansiedae betrekking het, nie deur die bepalings van hierdie Wet geaffekteer nie.

(3) Ondanks die voorbehoudsbepaling by artikel 3 van die Wet op Landbou-Arbeid, 1993 (Wet No. 147 van 1993), is die wysiging van die Wet op Basiese Diensvoorwaardes, 1983, soos vervat in Bylae 2, op boerderybedrywighede en werkgewers en werknemers wat daarin betrokke is, van toepassing. 5

#### **Kort titel en inwerkingtreding**

6. Hierdie Wet heet die Wet op Openbare Vakansiedae, 1994, en tree in werking op 1 Januarie 1995. 10

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, 5 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  
10 operation on 1 January 1995.

**BYLAE 1****(ARTIKEL 2)****Kalender van openbare vakansiedae**

Nuwejaarsdag	1 Januarie
Menseregtedag	21 Maart
Goeie Vrydag	Vrydag voor Paassondag
Gesinsdag	Maandag na Paassondag
Vryheidsdag	27 April
Werkersdag	1 Mei
Jeugdag	16 Junie
Nasionale Vrouedag	9 Augustus
Erfenisdag	24 September
Versoeningsdag	16 Desember
Kersdag	25 Desember
Welwillendheidsdag	26 Desember

**SCHEDULE 1****(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
Day of Reconciliation	16 December
Christmas Day	25 December
Day of Goodwill	26 December

## BYLAE 2

## (ARTIKEL 4(1))

No. en jaar van Wet	Kort titel	In hoeverre herroep of gewysig
Wet No. 5 van 1952	Wet op Openbare Feesdae, 1952, van die voormalige Republiek van Suid-Afrika	Herroeping van die geheel.
Wet No. 27 van 1956	Wet op Myne en Bedrywe, 1956, van die voormalige Republiek van Suid-Afrika	Herroeping van die geheel, in soverre enige bepaling daarvan met enige ander dag as 'n Sondag handel.
Wet No. 68 van 1961	Wysigingswet op Openbare Feesdae, 1961, van die voormalige Republiek van Suid-Afrika	Herroeping van die geheel.
Wet No. 39 van 1973	Wysigingswet op Openbare Feesdae, 1973, van die voormalige Republiek van Suid-Afrika	Herroeping van die geheel.
Wet No. 72 van 1980	Wysigingswet op Openbare Feesdae, 1980, van die voormalige Republiek van Suid-Afrika	Herroeping van die geheel.
Wet No. 3 van 1983	Wet op Basiese Diensvoorwaardes, 1983, van die voormalige Republiek van Suid-Afrika	<p>Wysig artikel 1 deur die omskrywing van "openbare feesdae" deur die volgende omskrywing te vervang:</p> <p>" 'openbare feesdae' —</p> <p><b>[(a) wanneer dit gebruik word, met betrekking tot 'n werknemer wat in of in verband met 'n winkel of 'n kantoor in diens is, of vir sover 'n bepaling waarin dit gebruik word, toegepas word met betrekking tot so 'n werknemer, 'n dag wat ingevolge artikel 1 van die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), 'n openbare feesdae is of kragtens artikel 2 van daardie Wet as sodanig verklaar is;</b></p> <p><b>(b) wanneer dit gebruik word met betrekking tot 'n werknemer wat nie aldus in diens is nie, of vir sover 'n bepaling waarin dit gebruik word, toegepas word met betrekking tot 'n werknemer wat nie aldus in diens is nie, Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Werkersdag, Republiekdag, Geloftedag en Kersdag;]</b></p> <p>'n openbare vakansiedag soos in die Wet op Openbare Vakansiedae, 1994, omskryf:".</p>
Wet No. 29 van 1976	Wet op Openbare Feesdae, 1976, van die voormalige Republiek van Transkei	Herroeping van die geheel.
Wet No. 3 van 1978	Wet op Openbare Feesdae, 1978, van die voormalige Republiek van Bophuthatswana	Herroeping van die geheel.
Wet No. 28 van 1979	Wet of Openbare Feesdae Wysigingswet, 1979, van die voormalige Republiek van Bophuthatswana	Herroeping van die geheel.
Wet No. 5 van 1980	Wet op Openbare Feesdae, 1980, van die voormalige Republiek van Venda	Herroeping van die geheel.
Wet No. 4 van 1982	Wysigingswet op Openbare Feesdae, 1982, van die voormalige Republiek van Venda	Herroeping van die geheel.
Wet No. 3 van 1981	Wet op Openbare Feesdae, 1981, van die voormalige Republiek van Ciskei	Herroeping van die geheel.



## SCHEDULE 2

## (SECTION 4(1))

Number and year of law	Short title	Extent of amendment or repeal
Act No. 5 of 1952	Public Holidays Act, 1952, of the former Republic of South Africa	Repeal of the whole.
Act No. 27 of 1956	Mines and Works Act, 1956	Repeal of the whole, in so far as any provision thereof deals with any day other than a Sunday.
Act No. 68 of 1961	Public Holidays Amendment Act, 1961, of the former Republic of South Africa	Repeal of the whole.
Act No. 39 of 1973	Public Holidays Amendment Act, 1973, of the former Republic of South Africa	Repeal of the whole.
Act No. 72 of 1980	Public Holidays Amendment Act, 1980, of the former Republic of South Africa	Repeal of the whole.
Act No. 3 of 1983	Basic Conditions of Employment Act, 1983, of the former Republic of South Africa	Amend section 1 by the substitution for the definition of "public holiday" the following definition: <p>“ ‘public holiday’—</p> <p><b>[(a) when it is used in relation to an employee who is employed in or 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 1 or declared as such under section 2 of the Public Holidays Act, 1952 (Act No. 5 of 1952);</b></p> <p><b>(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 with respect to an employee who is not so employed, means New Year's Day, Good Friday, Ascension Day, Workers' Day, Republic Day, Day of the Vow or Christmas Day;]</b></p> <p><u>means a public holiday as defined in the Public Holidays Act, 1994;”</u></p>
Act No. 29 of 1976	Public Holidays Act, 1976, of the former Republic of Transkei	Repeal of the whole.
Act No. 3 of 1978	Public Holidays Act, 1978, of the former Republic of Bophuthatswana	Repeal of the whole.
Act No. 28 of 1979	Public Holidays Amendment Act, 1979, of the former Republic of Bophuthatswana	Repeal of the whole.
Act No. 5 of 1980	Public Holidays Act, 1980, of the Republic of Venda	Repeal of the whole.
Act No. 4 of 1982	Public Holidays Amendment Act, 1982, of the former Republic of Venda	Repeal of the whole.
Act No. 3 of 1981	Public Holidays Act, 1981, of the former Republic of Ciskei	Repeal of the whole.

