

LAWS OF MALAYSIA

Act 369

HOLIDAYS ACT 1951

An Act to provide for public and bank holidays

[31st December 1951.]

Short title and application

1. (1) This Act may be cited as the **Holidays Act 1951**.
- (2) This Act shall apply to the States of Peninsular Malaysia only.

Interpretation

2. In this Act unless the context otherwise requires__

“Minister” means the Minister charged with the responsibility for public and bank holidays;

“Peninsular Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 [Act 388], and includes the Federal Territory;

“weekly holiday” means Sunday or, in States where Friday is observed as the weekly holiday, Friday.

Public holidays

3. The several days mentioned in the First Schedule shall, except as hereinafter provided, be public holidays:

Provided that, save and except where-

- (a) the State Authority in the case of any State; or
- (b) the Minister in the case of Federal Territory,

by notification in the Gazette otherwise provides, if any such public shall fall on a weekly holiday in any State or in the Federal Territory, then the day following shall be a public holiday and if such day is already a public holiday, then the day following shall be a public holiday.

Exemptions from public holidays

4. The Minister may make regulations excluding in whole or in part from the operation of this Act any public office or any department thereof and the officers and employees of such office or department, and thereupon, subject to such limitations as may be imposed by such regulations, all acts and things relating to such public office or department may be done and performed on any public holiday as if such day had not been declared a public holiday by virtue of this Act.

Bank holidays

*5. The several days mentioned in the Second Schedule shall be observed as close holidays in all banks in Peninsular Malaysia and are hereinafter referred to as bank holidays.

Exemptions from bank holidays

6. The Minister may make regulations excluding in whole or in part from the operation of this Act any bank and thereupon, subject to such limitations as may be imposed by such regulations, all acts and things relating to such bank may be done and performed on any bank holiday as if such day had not been declared a bank holiday by virtue of this Act.

Payments, etc. on public or bank holidays

7. (1) Except where by regulations made under this Act or written contract it is expressly provided to the contrary, no person shall be compellable on a public holiday to make any payment under, or do any act in performance of, a contract:

Provided that nothing in this subsection shall be deemed to affect the terms and conditions of service under which a person is employed.

*NOTE- All banks in Peninsular Malaysia shall be excluded from operation of section 5 of, and Second Schedule to, the Holidays Act 1951 [Act 369] – see F.L.N. 346/1963.

(2) No person shall be compellable on a bank holiday to make any payment in or at a bank or to do in or at a bank any act requiring a banking service.

(3) The obligation to make such payment or to do such act shall apply to the day following such public or bank holiday not being a weekly or a public or bank holiday.

(4) The making of such payment and the doing of such act on such following day shall be equivalent to payment of the money or performance of the act on the holiday.

Minister may appoint special days to be observed as bank or public holidays

8. The Minister may, by notification in the Gazette or in such other manner as he thinks fit, appoint, in respect of Peninsular Malaysia, or the Federal Territory or, after consultation with the State Authority, in respect of a State, a day to be observed as a public holiday or a bank holiday in addition to, or in substitution for, any of the days mentioned in the Schedules and thereupon this Act shall, in Peninsular Malaysia, or in the Federal Territory, or in the State in respect of which a day is appointed to be observed as a holiday as aforesaid, be applicable to such day in the same manner as if the said day had been mentioned in the First Schedule or the Second Schedule, as the case may be.

State and Federal Territory public holidays

9. (1) The State Authority may, by notification in the Gazette or in such other manner as it thinks fit, appoint a day to be observed as a State public holiday in any such State, and such day shall, except as hereinafter provided, be observed in such State as a public holiday.

(2) The Minister may, by notification in the Gazette, or in such other manner as he thinks fit, appoint a day to be observed as a Federal Territory public holiday in the Federal Territory, and such day shall, except as hereinafter provided, be observed in the Federal Territory as a public holiday.

(3) Section 7 shall apply-

(a) within such State to such State public holiday; and

(b) within the Federal Territory to such Federal Territory public holiday,

as it applies within Peninsular Malaysia in respect of a public holiday prescribed under section 3.

(4) In this section references to a State or the Federal Territory shall include references to any recognized subdivision of a State or the Federal Territory.

Exemption from State and Federal Territory public holidays

10. The State Authority may in respect of any State public holiday declared under section 9, and the Minister may in respect of any Federal Territory public holiday declared under section 9, make regulations excluding in whole or in part from the operation of this Act any public office or any department thereof in such State or in the Federal Territory, as the case may be, and the officers and employees of such office or department, and thereupon, subject to such limitation as may be imposed by such regulations, all acts and things relating to such public office or department may be done and performed in such State or the Federal Territory on any State holiday or any Federal Territory holiday, as the case may be, as if such day had not been declared a State public holiday or a Federal Territory public holiday by virtue of this Act.

Power to close courts, public offices, etc

10A. (1) For the purpose of facilitating the holding of any election under the Elections Act 1958 [Act 19], the Minister may by order published in the Gazette or in such manner as he thinks fit, in respect of any State, after consultation with the State Authority, or in respect of the Federal Territory, direct the closing of such courts, public offices or departments as he thinks fit on any day specified in such order, and thereupon such order shall have effect in such State or the Federal Territory, as the case may be.

(2) For the purpose of facilitating the holding of any election under any written law relating to the election of persons to be members of a Legislative Assembly, the State Authority after consultation with the Minister, may, by order published in the Gazette or in such manner as it thinks fit, direct the closing of such courts, public offices or departments as if thinks fit on any day specified in such order and thereupon such order shall have effect in such State.

(3) Section 7 shall apply in respect of all acts and things relating to any courts, public offices or departments closed in accordance with any order made

under this section as if any day specified in such order were a public holiday prescribed under section 3.

(4) In this section references to a State or the Federal Territory shall include references to any recognized subdivision of a State or the Federal Territory.

FIRST SCHEDULE

[Section 3]

PUBLIC HOLIDAYS

Birthday of the Prophet Muhammad (s.a.w).

Hari Kebangsaan or National Day.

Chinese New Year (one day in the States of Kelantan and Terengganu, two days in the other States)

Wesak Day.

Birthday of the Yang di-Pertuan Agong.

Hari Raya Puasa (2 days)

Hari Raya Haji (two days in the States of Kelantan dan Terengganu, one day in the other States).

Deepavali.

Christmas Day.

Labour Day - [P.U. (B) 414/1972] with effect from 12 October 1972.

Awal Muharam - [P.U. (B) 363/2005] with effect from 1 January 1995.

Malaysia Day [*Ins. P.U.(B) 491/2009*]

SECOND SCHEDULE

[Section 5]

BANK HOLIDAYS.

1 January (or the following day if the 1 January should fall on a weekly holiday in any State or in the Federal Territory.)

1 July (or the following day if the 1 July should fall on a weekly holiday in any State or in the Federal Territory).

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LIST OF AMENDMENTS

Amending Law	Short Title	In force from
LN 124/1952	Notification under section 8 of the Holidays Ordinance 1951	20.3.1952
LN 335/1952	Notification under section 8 of the Holidays Ordinance 1951	18.6.1952
FM Ord. 18/1955	Holidays (Amendment) Ordinance 1955	20.4.1955
FM Ord. 60/1956	Settlements Nominated Council (Change of Title) Ordinance 1956	1.9.1956
LN (NS) 53/1957	Notification under section 8 of the Holidays Ordinance 1951	31.10.1957
LN 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13.11.1958
LN 135/1960	Notification under section 8 of the Holidays Ordinance 1951	23.6.1960
PU (A) 278/1974	Federal Territory (Modification of Holidays Ordinance) Order 1974	1.2.1974
PU (A) 511/2005	Federal Territory of Labuan (Extension and Modification of Holidays Act 1951) Order 2005	1.1.2006
P.U.(B) 491/2009	Notification under Section 8 of the Holidays Act 1951	From year 2010

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
FM Ord. 55 of 1951	Holidays Ordinance 1951
PU (A) 278/1974	Schedule to Federal Territory (Modification of Holidays Ordinance) Order 1974