



OFFICE OF PARLIAMENT

Hon. Francis-Xavier Kojo Sosu (Esq)
MP, Madina Constituency



Office of Parliament
Parliament House
Room No. F2T 02E 019
Osu, Accra, Ghana

Your Ref.....

My Ref.....

MEMO

TO: CLERK TO PARLIAMENT

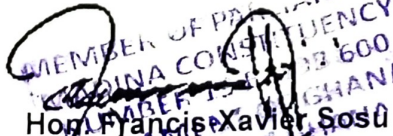
FROM: THE HONOURABLE MEMBER FOR MADINA
(HON. FRANCIS-XAVIER KOJO SOSU)



DATE: 29TH NOVEMBER 2023

SUBJECT: INTRODUCTION OF PRIVATE MEMBER'S BILL TO AMEND THE PUBLIC HOLIDAYS (AMENDMENT) ACT TO REMOVE THE POWER OF THE PRESIDENT TO DECLARE ADDITIONAL PUBLIC HOLIDAY; GRANT AUTHORITY TO THE PRESIDENT TO MERGE PUBLIC HOLIDAYS; POSTPONE CELEBRATION OF PUBLIC HOLIDAYS ON PRODUCTIVE DAYS TO FRIDAY; REMOVE CRIMINAL SANCTIONS FOR NON-OBSERVANCE OF PUBLIC HOLIDAYS, AND PROVIDE FOR RELATED MATTERS.

Sir, I wish to request the Legislative Drafting Office to draft for subsequent submission to the Speaker, Bill to amend the Public Holidays (Amendment) Act, 2001, Act 601, to remove the power of the President to declare additional public holiday; grant authority to the President to merge public holidays; postpone celebration of public holidays on productive days to Friday; remove criminal sanctions for non-observance of public holidays, and provide for related matters.

Please find attached my proposal for the said Bill.
Submitted please,


MEMBER OF PARLIAMENT
MADINA CONSTITUENCY
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HON. FRANCIS-XAVIER SOSU (Esq)
MADINA MP

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POLICY REASONING FOR PROPOSED AMENDMENT OF PUBLIC HOLIDAYS ACT, 2001, ACT 601, TO REMOVE THE POWER OF THE PRESIDENT TO DECLARE ADDITIONAL PUBLIC HOLIDAY; GRANT AUTHORITY TO THE PRESIDENT TO MERGE PUBLIC HOLIDAYS; POSTPONE CELEBRATION OF PUBLIC HOLIDAYS ON PRODUCTIVE DAYS TO FRIDAY; REMOVE CRIMINAL SANCTIONS FOR NON-OBSERVANCE OF PUBLIC HOLIDAYS, AND PROVIDE FOR RELATED MATTERS.

According to the International Labor Organisation (ILO), Public holiday means a day which is kept as a holiday for all banks, educational establishments, public offices and government departments. Public holidays have beneficial impacts on social life on normal weekdays and weekends (Merz & Orsberg, 2006).

On 1st June 2001, Government enacted the Public Holidays Act 2001 (Act 601), repealing the Public Holidays Law, 1989, (PNDCL 274) and Public Holidays (Amendment) Act, 1995 (Act 507).

This legislation provides for public holidays, additional holidays, substituted holidays, prohibition of business on public holidays, offences and penalties, exemptions, interpretation, and repeals.

On 24th May 2002, Government amended the Public Holidays (Amendment) Act, 2002, to include the Schedule, the 25th day of May as a public holiday as declared by the Organisation of African Unity (OAU).

On 17th April 2019, the Public Holidays Amendment Act, 2019 (Act 986) was gazetted and subsequently enacted with amendments and insertions to sections 1, 4A, 7, as well as the schedule of the Act.

From the foregoing, the purpose of this proposal is to amend Section 3 of the Public Holidays Act 2001 (Act 601) to substitute public holidays that fall on days between Tuesday and Thursday to Friday. A substitute public holiday is an ordinary day that is treated like a public holiday instead of the actual public holiday.

The basis for this proposal stems from the fact that productivity may be at its peak in the middle of the working week, say on a Tuesday or Wednesday (London School of Economics and Political Science, 2008).

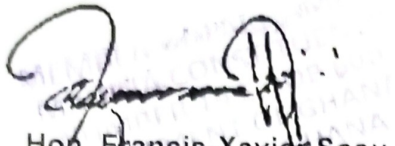
This proposed amendment also gives relevant power and authority to the President to by executive instrument merged in a particular calendar year the celebration of any two public holidays in the public interest.

Furthermore, this proposal seeks to repeal section 2 of Act 601 where by practice under the current regime, public holidays that fall on weekends are not marked as such, but such public holidays are postponed to Mondays, which fall on a working day, which contributes to loss of revenue by the State.

Also, the proposal seeks to abolish the regime of criminalizing conducts associated with public holidays by a repeal of the Offences and penalties provisions under section 5 of Act 601.

In view of the above, this amendment of the Public Holidays Act 2001, Act 601, forms part of efforts to realise the achievement of a more progressive and productive society.

Submitted please,



Hon. Francis-Xavier Sosu (Esq)
MP, Madina Constituency

A
BILL

ENTITLED

PUBLIC HOLIDAYS (AMENDMENT) BILL, 2023

AN ACT to amend the Public Holidays (Amendment) Act, 2001 (Act 601) to remove the power of the President to declare additional public holiday; grant authority to the President to merge public holidays; postpone celebration of public holidays on productive days to Friday; remove criminal sanctions for non-observance of public holidays, and provide for related matters.

PASSED by Parliament and assented to by the President.

Public Holidays (Amendment) Act, 2019 (Act 986) amended as follows:

1. Repeal of Section (2)

To remove the power of the President to declare additional holidays. This amendment means holidays that fall on Fridays, Saturdays, Sundays and Mondays shall be observed as such.

2. Merger of Public Holidays

3(1) Where the President is satisfied that it would be inexpedient for a day provided in section 1 to be observed as a public holiday, the President may by executive instrument merge that public holiday with another upcoming public holiday.

3. Public Holidays falling on Productive Days to be celebrated on Friday

3(2) Where a public holiday provided in section 1 falls on a weekday between Tuesday and Thursday (productive working days), the President shall by Executive Instrument (E.I.) declare the celebration or observation of that holiday on the ensuing Friday.

4. Exempt of Islamic Holidays

3(4) This amendment shall not apply to Islamic holidays.

5. Repeal of section 5

Removal of Criminal sanctions for Non-Observance of Public Holidays

Date of *Gazette* notification

HON. FRANCIS-XAVIER KOJO SOSU (ESQ)