

PUBLIC HOLIDAYS DECREE 1979



Decree No. 3

[1st January 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The days mentioned in the Schedule to this Decree shall be kept as public holidays throughout Nigeria.

Public
holidays.

2.—(1) In addition to the days mentioned in the Schedule to this Decree, the Head of the Federal Military Government may by public notice appoint a special day to be kept as a public holiday either throughout Nigeria or in any part thereof, and any day so appointed shall be kept as a public holiday.

Power to
appoint
special days
to be public
holidays.

(2) Subject to section 1 of this Decree and subsection (1) of this section, the Military Administrator of a State may by public notice appoint a special day to be kept as a public holiday in the State concerned or in any part thereof, and any day so appointed shall be kept as a public holiday.

(3) In this section "public holiday" includes part of a day and any day declared as a work-free day.

3. The Federal Commissioner for Internal Affairs (hereinafter referred to as "the Commissioner") may by public notice, when it appears to him in any special case that in any year it is inexpedient that a day appointed by section 1 of this Decree to be kept as a public holiday should be kept as a public holiday, declare that such day shall not be kept as a public holiday and may appoint such other day as he may think fit to be kept as a public holiday instead of such day, and thereupon the day appointed shall be substituted for the day in such year appointed by this Decree :

Power to
alter day
appointed
to be a
public
holiday.

Provided that where a day declared to be kept as a public holiday for the celebration of a religious festival is found not to be the actual day on which the adherents of the religion concerned perform the religious festival, it shall be lawful for such adherents to take time off work on that actual day for the celebration of such festival.

4. No person shall be compellable to do any act on a day appointed by or under the provisions of this Decree to be kept as a public holiday which he would not be compellable to do on a Sunday.

Provision as
to acts on
public
holidays.

Days to be kept as public holidays when public holidays fall on Fridays to Mondays.

5. Notwithstanding any other provision of this Decree but subject to section 3 thereof—

(a) if two days appointed as public holidays fall successively on a Friday and a Saturday, only the Friday concerned and no additional day in lieu of that Saturday shall be kept as a public holiday ;

(b) if any day appointed to be a public holiday falls on a Saturday or a Sunday, only the Saturday or Sunday concerned and no other day in lieu of either of such days shall be kept as a public holiday ;

(c) if two days appointed as public holidays fall successively on a Saturday and a Sunday, only the Saturday and Sunday concerned and no additional day or days in lieu of the Saturday and Sunday shall be kept as public holidays ; and

(d) if two days appointed as public holidays fall successively on a Sunday and a Monday, only the Monday concerned and no additional day in lieu of that Sunday shall be kept as a public holiday.

Provisions as to Government departments working on Saturdays, Sundays and public holidays.

6.—(1) Notwithstanding any of the foregoing provisions of this Decree, the Permanent Secretary of a ministry or the head of any Government department may, unless otherwise ordered by the appropriate authority, if the interest of the public service or the convenience of the public demand it, require all or any of the persons serving in his ministry or department as the case may be to perform on a Saturday, Sunday or public holiday such of their duties as he may deem necessary.

(2) In this section, the “appropriate authority” means—

(a) with respect to any ministry or department of the Government of the Federation, the Federal Commissioner for Internal Affairs ; and

(b) with respect to any ministry or department of the Government of a State, the State Commissioner charged with responsibility for matters relating to public holidays.

(3) In this section, references to department include references to any court or tribunal set up pursuant to any written law or any other public institution the emoluments of whose employees are paid out of the Consolidated Revenue Fund of the Federation or a State or any other public fund of the Federation or a State, and references to members of the armed forces of the Federation and the Nigeria Police Force.

Citation, etc. and repeals.
Cap. 166.

7.—(1) This Decree may be cited as the Public Holidays Decree 1979 and shall be deemed to have come into operation on 1st January 1979.

(2) The Public Holidays Act which has become spent and obsolete and the following enactments are hereby repealed, that is—

(a) the Public Holidays Law of the Lagos State ;

(b) the Public Holidays Law of Bendel State ;

(c) the Public Holidays Law of former Eastern Nigeria as in force in the Anambra, Cross River, Imo and Rivers States ;

(d) the Public Holidays Law of former Northern Nigeria as in force in the Bauchi, Benue, Borno, Gongola, Kaduna, Kano, Kwara, Niger, Plateau and Sokoto States ; and

(e) the Public Holidays Law of former Western Nigeria as in force in the Ogun, Ondo and Oyo States.

LL. of L. S.
Cap. 112.
Cap 110.
LL. B.S.
1977.
LL. of
E. N. Cap.
104.
LL. of
N. N. Cap.
110.
LL. of
W. N.
Cap. 104.

(3) It is hereby declared that notwithstanding the provisions of any other enactment or law, any day appointed as a public holiday by or on the direction of the Commissioner, during the period commencing from 1st September 1976 and ending immediately before the coming into operation of this Decree, shall be deemed to have been validly so appointed.

SCHEDULE

Section 1

1. New Year's Day.
2. Good Friday.
3. Easter Monday.
4. National Day (1st October).
5. Christmas Day.
6. Such day as the Commissioner may declare to be a public holiday in celebration of the Muslim festival of Id el Fitr.
7. Such day as the Commissioner may declare to be a public holiday in celebration of the Muslim festival of Id el Kabir.
8. Such day as the Commissioner may declare to be a public holiday in celebration of the birthday of the Prophet Muhammed (Id el Maulud).

MADE at Lagos this 17th day of January 1979.

LT-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree repeals all the States' Laws relating to public holidays and makes provision on a nation-wide basis for the observance of public holidays. New rules have been introduced by the Decree for days to be kept as public holidays when they fall on the week-end.