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## GOVERNMENT OF THE REPUBLIC OF FIJI DECREE NO. 13

### SUNDAY OBSERVANCE DECREE, 1989

A DECREE TO REPEAL THE SUNDAY OBSERVANCE DECREE, 1987 AND TO PROVIDE FOR THE OBSERVANCE OF SUNDAYS AS A CHRISTIAN HOLY DAY AND A DAY OF WORSHIP, THANKSGIVING AND REST

IN exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji, I, acting in accordance with the advice of the Prime Minister and the Cabinet, hereby make the following Decree—

#### *Short title*

1. This Decree may be cited as the Sunday Observance Decree, 1989.

#### *Interpretation*

2. In this Decree, unless the context otherwise requires—

“appropriate authority” means, in the case of a rural police station, the Station Officer or Assistant Station Officer and, in the case of any other police station, any police officer of or above the rank of Inspector;

“assembly” means a gathering of three or more persons for the purpose of discussion on matters of public interest or for the purpose of the expression of views on such matters;

“entertainment” means—

- (a) any exhibition or performance;
- (b) any game or athletic or sporting event or fixture, in the nature of a prize competition;
- (c) any recreational event or other amusement,

organised or intended for the participation, viewing or enjoyment of members of the public or the members of any club or organisation, whether or not any fee is charged for attendance thereat and includes any such performance or exhibition of any audio-visual, dramatic, musical or other cultural work or any part thereof, or any dance;

“licensed restaurant” means any premises in respect of which there is in force a licence granted under section 64 of the Liquor Act (Cap. 192);

“Minister” means the Minister responsible for defence and security or such other Minister to whom responsibility for this Decree may, from time to time, be assigned;

“person” includes any natural person, whether or not they profess to be a Christian, and any company or association or body of persons, corporate or unincorporate;

“place of public entertainment” means—

- (a) any premises used mainly for public music and dancing in respect of which there is in force a licence granted under the Liquor Act (Cap. 192);
- (b) any premises in respect of which there is in force an exhibitor's licence granted under the Cinematographic Films Act (Cap. 271); or
- (c) any auditorium, hall, or theatre used mainly for the entertainment of the public;

"procession" means a procession of five or more persons or three or more vehicles;  
"public" (with its grammatical variations and cognate expressions) means the public or any section thereof;

"public place" means—

(a) any highway, public street, public road, public park or garden, any sea beach, river, public bridge, wharf, jetty, lane, footway, square, court, alley or passage whether a thoroughfare or not; or

(b) any—

(i) land or open space, whether such land or space is enclosed or unenclosed; and

(ii) place or building of public resort, other than a dwelling house, to which for the time being the public have or are permitted to have access whether on payment or otherwise;

"restaurant" means any premises structurally adapted and *bona fide* used, or intended to be used, as a public eating place, and in respect of which there is in force a restaurant or milk bar licence granted under the Business Licensing Act (Cap. 204);

"sporting facility" means any land, open space, place or building, other than a dwelling house, used mainly for the purpose of sporting, athletic or other competitive activities, whether or not a public place, and whether or not access thereto is restricted on the basis of membership or the payment of a fee;

"Sunday" means the hours between midnight on Saturday and midnight on Sunday each week.

#### *Sunday observance*

3. Notwithstanding the provisions of any other law, each Sunday shall be observed in Fiji in accordance with the provisions of this Decree.

#### *Prohibited activities*

4. Subject to the provisions of this Decree, no person shall on any Sunday—

- (a) engage for reward or profit in any trade, business, commercial activity, employment, occupation, profession or work;
- (b) organise, participate in or attend any entertainment in any public place, any place of public entertainment or any sporting facility; or
- (c) convene, organise or take part in any assembly or procession in any public place.

#### *Permitted activities*

5.—(1) Notwithstanding the provisions of section 4 of this Decree, any person may, on any Sunday, engage for reward or profit in any trade, business, commercial activity, employment, occupation, profession or work—

- (a) which is listed in the Schedule to this Decree;
- (b) which forms part of any activity or service listed in the Schedule to this Decree; or
- (c) which is essential to the performance on such Sunday of any activity or service listed in the Schedule to this Decree and the need for which on such Sunday can not be avoided,

subject to any conditions and limitations which may be specified in the Schedule to this Decree.

(2) Notwithstanding the provisions of section 4 of this Decree, any person may organise, engage in, participate in or attend any activity—

- (a) of a religious nature;
- (b) held solely in connection with a marriage;
- (c) held solely in connection with a funeral;
- (d) necessary to the livelihood of domestic animals; or
- (e) necessary to the preservation of life or property.

(3) For the avoidance of doubt, it is hereby declared that the following activities are permitted—

- (a) picnics, games and sporting, athletic and other recreational activities, not being prize competitions and not organised or intended for members of the public or the members of any club or organisation; and
- (b) barbecues and lovos;

Provided that these do not involve any activity for reward or profit.

*Hospitality services permitted*

- 6.—(1) Notwithstanding the provisions of paragraph (a) of section 4 of this Decree—
- (a) any licensed restaurant, may between the hours of 12 noon and 2.00 p.m., and 7.00 p.m. and 10.00 p.m.; and
  - (b) any restaurant, other than a licensed restaurant, may between the hours of 10.00 a.m. and 4.00 p.m.,

on any Sunday, sell or supply on the premises prepared meals, snack foods and beverages and such activities and services as are essential to the provision of prepared meals, snack foods and beverages and the need for which on such Sunday cannot be avoided shall be permitted:

Provided no entertainment (but only subdued piped or recorded music) may be provided:

And provided further that no liquor shall be sold or supplied except to a person who during the same period of the permitted hours partakes on the premises of a substantial cooked meal sold or supplied by such restaurant.

(2) Nothing in paragraphs (a) and (b) of section 4 shall apply in respect of any premises in respect of which there is a hotel licence granted under the provisions of the Hotels and Guest Houses Act (Cap. 195) and nothing therein shall be taken to prohibit, within the boundaries of any such hotel and its grounds, any person from organising, participating in or engaging in any activity falling within the said paragraphs (a) and (b) for the benefit of any registered guest of such hotel, or any registered guest from attending or participating in any such activity.

*Permits required for prohibited activities*

7.—(1) Any person wishing to organise, participate in, attend or perform, on any Sunday, any activity which is prohibited by this Decree may make application for a permit in that behalf to the appropriate authority at a police station and such authority may, if he is satisfied for good reason that there is an urgent need for such activity, issue a permit permitting the organisation, participation in, attendance at or performance of such activity.

(2) A permit issued under this section shall permit only the persons or group of persons named or described therein to organise, participate in, attend or perform the activity specified.

(3) A permit issued under this section shall specify—

- (a) the name or names of the persons to whom such permit is issued;
- (b) the activity permitted;
- (c) the name of any persons or the description of any group of persons to whom the application of the permit is limited;
- (d) the purpose for which, and the place, the day and times at or between which, such activity or service may be organised, held, attended or performed; and
- (e) such other conditions as the appropriate authority may think fit to impose.

(4) Every person to whom a permit is issued under this section shall take all reasonable steps to inform every person to whom such permit applies of the conditions of such permit.

(5) A permit granted under this section shall be valid in respect of one Sunday only.

*Powers of the Minister*

8.—(1) The Minister may, if he thinks fit, on application by any person or group of persons, grant an exemption from any of the provisions of section 4 of this Decree, and permit for such period as he thinks fit, the organisation of, the participation in, the attendance at or the performance of any activity specified in such exemption.

(2) An exemption granted under this section may apply to persons generally or may be limited in application to any person or group of persons described therein.

(3) An exemption granted under this section shall specify—

- (a) the name or names of the persons to whom such exemption is issued;
- (b) the activity permitted;
- (c) the name of any persons or the description of any group of persons to whom the application of the exemption is limited, if it is so limited;
- (d) the purpose for which, and the place, and times at or between which, such activity may be organized, held, attended or performed;
- (e) the duration of such exemption; and
- (f) such other conditions as the Minister may think fit to impose.

*Offences and penalties*

9. Any person who wilfully breaches any of the provisions of this Decree or any condition of any exemption or permit issued under this Decree shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$100.00 or to 1 month's imprisonment or to both such fine and term of imprisonment.

*Powers of arrest*

10. Any police officer may arrest without warrant any person who is committing or who, such police officer has reason to suspect, has committed an offence against the provisions of this Decree.

*Regulations*

11. The Minister may make regulations for the better carrying out of the provisions of this Decree and, in particular, without prejudice to the generality of the foregoing, may, if he thinks fit, make regulations—

- (a) prescribing the forms to be used under the provisions of this Decree;
- (b) prescribing the procedure to be followed in applying for a permit or exemption under this Decree;
- (c) prescribing the procedure to be followed in carrying out and in giving effect to any of the provisions of this Decree.

*Amendment to Schedule*

12. The Schedule to this Decree may be amended by order of the Cabinet.

*Decree to be additional*

13. Nothing in this Decree shall be taken to affect any provision under any other law prohibiting any person from organizing, participating in or performing any activity without first obtaining a licence, permit, registration or other permission in that behalf, and the provisions of this Decree shall be construed to be in addition to, and not in diminution of or in substitution for, the requirements of such other law.

Provided that in any case where any provision of such licence, permit, registration or other permission is inconsistent with the provisions of this Decree, it shall be void to the extent of that inconsistency.

*Decree to be paramount*

14.—(1) Subject to the provisions of section 13 of this Decree, where there is any inconsistency between any of the provisions of this Decree and the provisions of any other law, the provisions of this Decree shall prevail.

(2) For the avoidance of doubt, it is hereby declared that the provisions of this Decree shall have effect notwithstanding anything contained in the Protection of the Fundamental Rights and Freedoms of the Individual Decree, 1988.

*Repeal*

15. The Sunday Observance Decree, 1987 is repealed:

Provided that such repeal shall not—

- (a) affect the previous operation of that Decree or anything duly done or suffered under that Decree;
- (b) affect any penalty or punishment incurred in respect of any offence committed against that Decree; or
- (c) affect any investigation or legal proceeding in respect of any offence committed against that Decree or in respect of any such penalty or punishment incurred before the commencement of this Decree, and any such investigation or legal proceeding may be instituted, continued or enforced, and any penalty or punishment may be imposed as if that Decree had not been repealed.

Dated this 30th day of May, 1989.

PENAIA K. GANILAU  
President and Commander-in-Chief

SCHEDULE

Agricultural activities.  
Air and sea rescue.  
Air transport services including air traffic control and telecommunication services.  
Bakery services, that is to say the baking of bread in bakehouses and, between the hours of 6.00 a.m. and 10.00 a.m., the sale thereof.  
Electricity services.  
Emergency services in time of national disaster.  
Fire fighting services.  
Health services, including ambulance, dental, medical and pharmaceutical services.  
Legal representation on arrest and during detention and questioning.  
Lighthouse services.  
Meteorological services.  
Mine pumping, ventilation and winding.  
Public bus services between the hours of 6.00 a.m. and 10.00 p.m.  
Radio broadcasting services.  
Sanitation services.  
Security services, including private security services.  
Service Station services to the extent of selling and supplying fuel and oil for motor-vehicles and performing essential motor-vehicle maintenance.  
Sugar milling activities.  
Taxi services from 6.00 a.m.  
Telecommunications and telegraph services.  
Water services.  
Transport services necessary to the operation of above-mentioned services or any of them.  
Supply and distribution of fuel, petrol, oil, power and light essential to the maintenance of the above-mentioned services or any of them.