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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1,477/25 - 2006 දෙසැම්බර් 29 වැනි සිකුරාදා - 2006.12.29

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## PART I : SECTION (I) — GENERAL

### Government Notifications

L.D.B. 16/37 (iii)

#### THE EXCISE ORDINANCE (CHAPTER 52)

RULES made by the President under section 32 of the Excise Ordinance (Chapter 52), read with section 25 of the aforesaid Act and with paragraph (2) of Article 44 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

MAHINDA RAJAPAKSA,  
President.

Colombo,  
29th December, 2006.

#### Rules

1. These rules may be cited as the “Excise Notification No. 892” and shall come into operation from January 1, 2007.
2. From and after the date of the coming into operation of these rules, all persons wishing to obtain a licence of whatever category in terms of the Excise Ordinance (Chapter 52) (hereinafter in these rules referred to as “the Ordinance”), which are specified in Column I of Schedule I to these rules, shall forward an application to the Commissioner-General of Excise in the Application Form specified in Schedule II to these rules.
3. The Commissioner-General shall on receipt of all applications under rule 2, and having considered them in the light of the provisions of the Ordinance satisfy himself that they are in conformity to the guidelines and conditions which are specified in Schedule III to these rules. The guidelines and conditions shall be applicable until varied or rescinded, for the issue of all categories of liquor licences in respect of any financial year commencing from January 1st of any year and ending on December 31st of the relevant year.
4. Every applicant to whom a licence is to be issued in respect of a category of licence specified in Column I of Schedule I hereto, shall also ensure that the premises to which the licence relates shall be in accordance with the “Criteria for the approval of premises to which the licence relates” as are specified in Schedule IV to these rules.
5. Every person to whom a licence is granted under these regulations shall pay the Annual Levy specified for the relevant category of licence issued to him, in such amount as is set out in Column II of Schedule I to these rules.

6. Every person to whom a licence is granted shall execute a Counterpart Agreement to cover the tenure of his licence as required by the Ordinance and shall furnish security for the due performance of his agreement in such amount as is specified in Column II of Schedule I to these rules for the relevant category of licence he is applying for.

7. The Excise Notification No. 859 published in *Gazette Extraordinary* No.1307/3 of September 22, 2003, the Errata published in *Gazette Extraordinary* No.1309/19 of October 10, 2003 the Excise Notification No. 873 published in *Gazette Extraordinary* No.1341/28 of May 20, 2004 and the Excise Notification No. 887 published in *Gazette Extraordinary* No.1424/7 of December 19, 2005, are all hereby rescinded.

# SCHEDULE I

## ANNUAL LICENCE FEE/SECURITY DEPOSIT PAYABLE

Coloumn I		Column II	
Nature or Description of the License		Annual License Fee Rs.	Security/ Deposit Rs.
1.	License for the manufacture of Malt Liquor	10,000	50,000
2.	License for the manufacture of Country made Foreign Liquor	6,000	5,000
3.	License for the manufacture and sale and bottled Milk Punch and or Wines	500	—
4.	License to the manufacture bottle and sell liquors made from any natural product of the palm tree or any other plants containing not more than 4% by volume of alcohol manufactured by any process other than Distillation	100	—
5.	License to manufacture Liquor other than Toddy or any other Liquor made from any cereal containing more than 4% by volume of alcohol manufactured by any process other than Distillation from the natural product of the palm tree or any other plant	1,000	—
6.	License to manufacture Tea Cider	200	—
7.	License to Tap Trees in Jaffna District Male Palmyrah (per tree)	25	—
	License to Tap trees in Jaffna District Female Palmyrah (per tree)	35	—
	License to Tap trees in Jaffna District Coconut (per tree)	35	—
	License to Tap Kitul Palm (per year)	50	—
8.	License to manufacture Country made Foreign Spirits from spirits distilled from the Coconut or other products, other than Toddy	5,000	5,000
9.	Distillery License	10,000	5,000
10.	Storage and Warehouse License	5,000	Nil
11.	Manufacture's wholesale Arrack/.Beer Outlet	75,000	50,000
12.	Toddy Bottling License	5,000	—
13.	Vinegar Manufactory License	200	—
14.	Tree tapping for Vinegar (per tree)	25	—
15.	Wholesale Licnese for Liquor (FL/3)	375,000	50,000 (For Arrack only)

Column I		Column II	
Nature or Description of the License		Annual License Fee Rs.	Security/Deposit Rs.
16.	Retail License for Liquor (FL/4) 1. Municipal Area 2. U.C. Area 3. Other Areas 4. Licenses given to Super Markets, Grocery Stores and like Enterprises where the annual turnover of the applicant company/business or the parent company/ business of the applicant exceeds Rs. 72 million per year	225,000 150,000 125,000 300,000	25,000 25,000 25,000 25,000
17.	Hotel License (FL/7) (Tourist Board approved)– 1. Rooms 250 or over 2. Rooms 200 or over 3. Rooms 100 or over 4. Rooms 50 or over 5. Rooms 20 or over 6. Rooms below 20 Hotel Non-Tourist Board Approval - 1. Rooms 5 or over	375,000 300,000 150,000 125,000 110,000 100,000 100,000	5,000 5,000 5,000 5,000 5,000 5,000 25,000
18.	Hotel Bar License (FL/8) Municipal Areas Other Areas Auxiliary License	25,000 20,000 15,000	– – –
19.	Occasional License (per day (FL/14)	5,000	–
20.	Supplementary License to extend the hours of sale (FL/15) for first two hours (per hour) Beyond that (per hour) (application fee not chargeable)	500 5,000	– –
21.	Auctioneer's License (per day) (FL/16)	5,000	–
22.	Entertainment Bar License for Cinemas (FL/9)	75,000	25,000
23.	Rest House License (FL/12)	50,000	25,000
24.	Restaurant License (Tourist Board Approved (FL/11) Res. A. Grade Res. B. Grade Res. C. Grade Non Tourist Board Approved (Application Fee Chargeable)	200,000 150,000 100,000 100,000	5,000 5,000 5,000 25,000
25.	Railway Restaurant (FL/10)	25,000	25,000
26.	Proprietary Club License (FL/13)	300,000	25,000
27.	Members only Clubs, Social and Recreational Clubs (FL/13A) Municipal Areas U.C. Area other Areas	75,000 50,000 25,000	25,000 25,000 25,000
28.	Sports Clubs :- Municipal Area U.C. Area and other areas	50,000 20,000	– –
29.	Special License for sale of Beer, Ale, Stout and Wines Retail License (FL/22A) For consumption on the premises (FL/22B)	– 35,000 50,000	– 2,500 2,500

Column I		Column II	
Nature or Description of the License		Annual License Fee Rs.	Security/Deposit Rs.
30.	Estate Canteens :- Toddy only Arrack and Toddy	10,000 20,000	10,000 10,000
31.	Sale of Rectified Spirits (FL/17)	250	—
32.	Sale of Medicated Wines (FL/18)	250	—
33.	Sale of Wine Spirits	100	—
34.	Sale of Ethyl Alcohol	2,500	2,500
35.	Bottling License	2,500	—
36.	Cottager's License to Tap for Sweet Toddy (Coconut Tree)	25 per Tree	—
37.	Commercial License to tap for Sweet Toddy (Coconut Tree)	50 per Tree	—
38.	Toddy Collecting Station License	100	—
39.	Special fermented Toddy License to tap for consumption for medicinal purposes	50	—
40.	License to Tap Manufacture and draw fermented/unfermented Toddy	25 per Tree	—

41.	License for the manufacture and sale of processed Arrack by wholesale and or Manufacture and issue to wholesale Outlet.	Cts. 25 per bulk Litre of estimated sales, or issues of Arrack to the premises during the period of the license calculated on the basis of the sale/issue of arrack at the premises during the period of Twelve consecutive months ending on August 31, of current year subject to a minimum Rs. 50,000
42.	License for the manufacture and sale of Molasses cane /Arrack by wholesale and or Manufacture and issue to wholesale Outlet.	Cts. 25 per bulk Litre of estimated sales, or issues of Arrack to the premises during the period of the license calculated on the basis of the sale/issue of arrack at the premises during the period of Twelve consecutive months ending on August 31, of current year subject to a minimum Rs. 50,000
43.	License for the manufacture and sale of Palmyrah Arrack by wholesale and or Manufacture and issue to wholesale Outlet.	Cts. 25 per bulk Litre of estimated sales, or issues of Arrack to the premises during the period of the license calculated on the basis of the sale/issue of arrack at the premises during the period of Twelve consecutive months ending on August 31, of current year subject to a minimum Rs. 50,000
44.	License for the manufacture and sale of Special Arrack by wholesale and or Manufacture and issue to wholesale Outlet.	Cts. 25 per bulk Litre of estimated sales, or issues of Arrack to the premises during the period of the license calculated on the basis of the sale/issue of arrack at the premises during the period of Twelve consecutive months ending on August 31, of current year subject to a minimum Rs. 50,000
45.	License for the manufacture and sale of Coconut Arrack by wholesale and or Manufacture and issue to wholesale Outlet.	Cts. 25 per bulk Litre of estimated sales, or issues of Arrack to the premises during the period of the license calculated on the basis of the sale/issue of arrack at the premises during the period of Twelve consecutive months ending on August 31, of current year subject to a minimum Rs. 50,000

*Note:*

- (a) Types of Licenses described under items numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 will be dealt with under Manufacturing License.
- (b) Levy of application fees will be limited the types of license described under items numbered 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29 and 30.
- (c) Bottling Licenses should be obtained for the following licenses described under itmes numbered 1, 2, 3, 4, 5, 6, 8, 12, 41, 42, 43, 44 and 45.
- (d) Stamp duty should be charged in terms of the regulations published the Stamp Duty (Special Provisions) Act, No. 12 of 2006 in *Gazette* in 1439/1 of April 03, 2006.

SCHEDULE II

SPECIMEN APPLICATION FORM FOR ISSUE OF LIQUOR LICENCE

PERIOD OF VALIDITY OF LICENCE, FROM.....TO.....

				For Official use Only
<b>APPLICATION FORM</b> To be completed by the Applicants, as accurately as possible by (a) stating the option which is not practiced or (b) filling in the relevant details or (c) by stating "Not Applicable" if question is currently not relevant.				<b>EXCISE VERIFICATION PROCESS</b> To be completed by the Excise inspector. —(tick) if <b>OK</b> , and give details if <b>NO</b> .
<b>1. General Details</b> _____  (a) Full Name of Applicant/Applicants :..... (b) Address :..... ..... ..... ..... (c) Tele/Fax No.:..... (d) Business Registration No.: (where applicable)..... .....				..... ..... ..... ..... ..... .....
(e) Nationality :..... (f) ID Card No.:..... (g) Age:..... (h) Occupation:.....				..... ..... ..... .....
<b>2. DETAILS RELATING TO LICENCE</b>				Please give details if Disagreeing with Applicant
Type of License : FL/.....	Nature of License	Off-Premises	On Premises	..... .....
(a) If FL07, Hotel License the number of Rooms:.....				..... .....
(b) Does the applicant hold other Excise License ?		Yes	No	..... .....
(c) If "Yes"	Type of License	Place of Operation		..... .....
(l)				..... .....

(II)				.....
(III)				.....
(IV)				
(c)	Has a Liquor License been in operation in respect of these premises as at November 15th of the current year	Yes	No	
(d)	If "Yes",			
(i)	Name and Address of the Licenses (If different from above)	.....		
(ii)	Total period during which the License has been in operation in respect of these premises.....	.....		
(iii)	Year of commencement of such licence	.....		
3. GEOGRAPHIC LOCATION OF PREMISES WHERE APPLICANT PROPOSE TO OPERATE LICENCE				Please give details if Disagreeing with Applicant
(a)	Postal Address :.....	.....		
(b)	District :.....	.....		
(c)	Divisional Secretary's Division :.....	.....		
(d)	Police Area :.....	.....		
(e)	Electorate :.....	.....		
(f)	Excise Station :.....	.....		
4. SUITABILITY OF PREMISES AS PER ITS LOCATION				Please give details if Disagreeing with Applicant
(a)	Is the distance to the following places more than that required as per the type of License? (Retails Off Licenses- 100m Consumption within premises 500m).	A Place of Public religious worship	Yes	No
		Schools	Yes	No
		Attach a copy of the Survey Plan from a Licensed Surveyor as <b>ANNEX I</b>		
(c)	Is the premises situated within a Foreign Liquor Tavern area ?	Yes	No	.....
(d)	If "Yes" specify distance from the nearest Tavern : .....	.....		
(e)	For Club License Holders - (Complete only if relevant)	(i) Are you registered under the Licensing of Clubs Act, No. 17 of 1975 ?	Yes	No
		(ii) Are you registered with the Ministry of Sports/ Ministry of Social Services	Yes	No
		(iii) Have you been actively operating for the last 5 years ?	Yes	No
		(iv) Do you hold a Bank Account?	Yes	No

<b>5. CRIMINAL OFFENCES :</b>					
(a) Have you been convicted of any Criminal offences ?		Yes	No	.....	
(b) Have you been convicted for any excise offence ?		Yes	No	.....	
(c) Are there any records regarding any criminal or excise offence committed at the proposed premises?		Yes	No	.....	
(d) Have you been blacklisted for holding excise Licenses /		Yes	No	.....	
(e) If "Yes" for any of the above, give details in <b>ANNEX 2</b>				.....	
Have you been issued with any Technical Crime Reports in the past 3 years ?		Yes	No	.....	
If "Yes" give details	Year	No. of TCR	Fine	.....	
				.....	
				.....	
<b>06. PROOF OF OWNERSHIP, APPROVAL FOR USE AND DESCRIPTION OF THE PREMISES</b>					<i>Please give details if Disagreeing with Applicant</i>
(a) Type of Ownership		Owned	Rented	.....	
Attach Copy of Registered Deed/Rental, Lease Agreement-certified by a Notary Public as <b>ANNEX 3</b>					.....
(b) Any dispute regarding the Ownership ? If "Yes" give details in <b>ANNEX 4</b>		Yes	No	.....	
(c) If "Rented", has the Owner approved the premises for operation ? If "Yes" attach Approval Certified by a Notary Public in <b>ANNEX 5</b>		Yes	No	.....	
(d) What area of the building is occupied by the proposed premises		Entire Building	Part of Building/Floor	.....	
If "part of building" attach a sketch of the total plan indicating what the other areas will be used for - as <b>ANNEX 6</b>					.....
(e) Boundaries of the Licensed Premises	North by:..... South by :..... West by :..... East by :.....			..... ..... ..... .....	
(f) Description of the Building (delete if not relevant). Attach a certified rough sketch as <b>ANNEX 7</b>	Floor	Cemented	Titled	Other	Also comment on the overall suitability of the building
	Roof	Asbestos	Titled	Other	
	Walls	Bricks & Mortar	Pre-Fab	Other	
	Described the type of Doors, Windows & other ventilation..... ..... .....				
	If "Other" - described details in <b>ANNEX 8</b>				

(g) Assessment No. of the Building : If no Number, details in <b>ANNEX 9</b>	.....
I/we certify and declare that I am/we are aware of the fact that mere submission of this application will not entitle me for a license, and that in the event of the particulars furnished above are found to be false or in violation of the rules and regulations and notifications under the Excise Ordinance presently in force, or any rules and regulations that may be imposed at a future date under the said Ordinance, the license may be suspended or cancelled by the order of the Commissioner-General of Excise and decision of the Commissioner General of Excise will be the final decision and in the event of non-issuance of a license, I will have no claim for compensation from the Government of Sri Lanka or from any Officer acting for or on behalf of the Government of Sri Lanka.	General Comments of Excise Inspector. ..... ..... ..... ..... .....
..... Signature of Applicant/Applicants	Signature of Excise Inspector.
Date :.....	Date :.....

ANNEX I, II, III, IV, V, VI, VII, VIII and IX TO THE APPLICATION FORM

		For Office use only
To be completed by the Applicant/Applicants		<b>EXCISE REPORT</b> TO be completed by the Excise inspector
<b>Suitability of Location of Premises</b> <b>ANNEX 1</b>		
A copy of the Survey Plan from a Licensed Surveyor indicating distance to nearest public religious place of worship and school from the proposed building is annexed.		
<b>Criminal Offences</b> <b>ANNEX 2</b>		
Give below details of any convictions by a Court of Law for excise offences and or Excise or Criminal offences committed of the proposed premises		.....
1.....		.....
2.....		.....
3.....		.....
4.....		.....
5.....		.....
6.....		.....
PART A	Report of the relevant Assistant Commissioner of Excise/Superintendent of Excise in which the particulars of fines and detections during the past 3 years are included.	
PART B	A declaration by way of an affidavit of the applicant that the applicant is not convicted of any offence under the Penal Code or any other offence involving moral turpitude during the preceeding 05 years.	



PART C	A report from the officer - in - charge of the Police Station where the licensed premises is situated that the applicant is not convicted of any offence under the Penal Code or the Excise Ordinance, during preceding five (05) years and a report from the Divisional Secretary where the licensed premises is situated that the applicant is a fit and proper person to hold the said licence and that there is no objection from the public to the issue of the licence.	
<b>Proof of Ownership, Approval for use &amp; Description of the premises ANNEX 3</b> Copy of Registered Deed, Rental/Lease Agreement - certified by a Notary Public		
<b>Disputes regarding ownership ANNEX 4</b> Details of any dispute in regard to the Ownership of the proposed premises, building or a Court Order against the building,  ..... ..... .....		
<b>Approval in case of rented premises ANNEX 5</b>  If Building Rented or Leased - on Agreement (Certified by a Notary Public) from the Owner, that the business will be allowed to continue undisturbed		
<b>Where only part of building is used ANNEX 6</b>  If “part of building” - attach a sketch of the total plan indicating what the other areas will be used for		
<b>Sketch of building to be used ANNEX 7</b>  Attach a certified rough sketch of the building proposed to be used as the premises		
<b>Description of materials used in building ANNEX 8</b>  If walls, roof etc., constructed from what has not been specified in the form give details  ..... ..... ..... ..... ..... ..... .....		

<p><b>If No Assessment Number is given to premises</b></p> <p><b>ANNEX 9</b></p> <p>If No Assessment Number - then specify Numbers of the Adjoining Buildings, if the latter not available, the name of the Land/s to be specified.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<b>OTHER REQUIREMENTS</b>	
(a) Copy of Ground Plan certified by Local Authority (not required for FL ; 22 A ; Licences)	
(b) Photocopy of receipt in proof of payment of Application Fee and Receipt No: and Date (Receipt must be in Applicant's Name)	
(c) Photocopies of receipts in proof of payment of income Tax, Value Added Tax (where applicable) and other relevant taxes (Receipts must be in Applicant's Name)	
<p align="center"><b>OBSERVATIONS AND OVERALL RECOMMENDATIONS</b></p> <p><b>1. To be filled by the Excise Inspector -</b></p> <p>Overall suitability of the Building and any recommendation for alterations to the building as per the Excise requirement -</p> <p>Signature :.....</p> <p>Name :.....</p> <p>Date :.....</p> <p>Seal :.....</p> <p><b>2. Officer-in-Charge of Excise Station -</b></p> <p>Signature :.....</p> <p>Name :.....</p> <p>Date :.....</p> <p>Seal :.....</p> <p><b>3. Superintendent of Excise</b></p> <p>Signature :.....</p> <p>Name :.....</p> <p>Date :.....</p> <p>Seal :.....</p> <p><b>4. Assistant Commissioner of Excise</b></p> <p>Signature :.....</p> <p>Name :.....</p> <p>Date :.....</p> <p>Seal :.....</p>	

### SCHEDULE III

#### GUIDELINES AND CONDITIONS APPLICABLE FOR THE ISSUE OF EXCISE LICENCES

1. (a) The present holders of licences will not be entitled to automatic renewal thereof. On termination of the validity of a licence, if Licencee, so desires to renew his licence, an application should be forwarded at least fifteen (15) days prior to the expiry of such licence.  
  
(b) Applications will be considered by the Commissioner - General of Excise in terms of these guidelines and conditions, and subject to any other directions as stipulated in the Excise Ordinance.
2. The application forms (as set out in Schedule I) must be obtained either from the Excise Head Office or from any Assistant Excise Commissioner's Office situated island wide, on payment of the relevant application fee. However, the issue of an application form to the applicant will not guarantee the grant of a licence to such person.
3. Applications must be completed in all respect and all required documents annexed. Incomplete application or applications submitted without the necessary documents and reports or which does not conform to the guidelines and conditions will be rejected.
4. Completed applications should be addressed to the Assistant Excise Commissioner and forwarded under registered cover to the Office of the Assistant Excise Commissioner of the Province where the premises for which application is made on the prescribed form (as set out in Specimen II).
5. When applying for a new licence or applying for renewal of an existing licence, the applicant should pay a non-refundable application fee of Rs. 7,500.00.
6. A licence will be issued for a period of three consecutive financial years, except in the case of licences issued to Tourist Board approved Restaurants/Tourist Board approved Hotels, where the validity of such licences will be for one year only. In the case of fresh licence being issued during a financial year, such licences will be issued for the remaining period of that year and for two further consecutive financial years except in the case of licences issued to Tourist Board approved Restaurants/Tourist Board approved Hotels, where such licences will be issued for the remaining period of that year only.
7. All licences issued to successful applicants under the Excise Ordinance shall be subject to a licence fee of such amount as is specified in Schedule I to these rules. License fees will be charged on a *pro rata* basis in the case of new licences initially issued for part of a year. Though the licence is issued for 3 years, the licence fee could be paid annually. Payment should be made at least seven working days prior to the commencement of the relevant financial year. However, in the event the fee is not received by the relevant Divisional Secretary at least seven working days prior to the commencement of a financial year, an additional four weeks will be allowed to make payment subject to an additional payment of a penalty of 1% of the value of the licence fee for each week (or part of such week) of such delay. A licence holder shall not be allowed to carry on business in the licensed premises until the licence fee is paid for the relevant financial year. In the event the licence fee not being received at the end of the fourth week, the licence shall stand automatically cancelled.
8. In addition to the licence fee, a security deposit is payable on each type of licence as set out in Column II of Schedule I hereof, at rates applicable in respect of each category of licence. Every person to whom a licence is issued under the Ordinance shall execute a Counterpart Agreement to cover the tenure of the licence. The security deposit shall be required for the due performance of the Counterpart Agreement.
9. Where the Commissioner General of Excise refuses an application for the issue of a liquor licence, he should convey his decision by registered post to the applicant within 30 days from the date he received the application stating his reasons for such refusal, and also inform the applicant to show cause if any justifying the granting

of a licence. According the applicant may show cause as to why his application should not be refused by the Commissioner-General of Excise by registered post, within two weeks from the date he receives such communication from the Commissioner-General of Excise in writing with supporting documents if any, addressed to the Commissioner-General of Excise.

10. The Commissioner-General of Excise shall thereafter and not later than 30 days from the date he receives the applicant's reply, having considered all relevant materials and after such inquiries, he may deem expedient, decide whether the applicant should be issued a liquor licence, or affirm the refusal of such licence. The said decision should be forthwith communicated in writing to the applicant by registered post.
11. In determining the number of licences to be issued in respect of each Province in respect of the following categories of licences, consideration will be given to the density of the population, patterns of consumption of liquor and other social requirements of that area. The number of licences to be currently issued in respect of each Province for the following categories of Licences are as follows :-

<i>Province</i>	<i>No. of Retail Licences (FL/4)</i>	<i>No. of Hotel Licenses (FL/7) (without the approval of the Tourist Board)</i>	<i>No. of Restaurant Licenses (FL/II) (without the approval of the Tourist Board)</i>
Western	312	8	146
Southern	104	-	22
Northern	54	3	21
Eastern	61	7	16
Central	223	8	49
North Central	65	4	16
North Western	106	-	39
Uva	76	4	24
Sabaragamuwa	103	-	29
Total	1,104	34	362

*Note :-* The limitation mentioned in the above paragraph will not apply in respect of retail licences (FL/4) issued to Supermarkets, Grocery Stores and like enterprises where the annual turnover of the applicant company business or the percent company/business of the applicant exceeds rupees seventy two million per year (Rs. 72 million).

12. The applicants (new and existing) are required to submit the following documents along with their applications. However, the Commissioner General of Excise shall have the right to refer and extract any information pertaining to any applicant from any file available with the Department of Excise or to call upon the applicant to furnish any information required for the consideration of the issue of licence applied for including particulars of income tax and other taxes payable by the applicant.
13. The documents and reports required to be submitted with regard to new applicants :
  - (a) Photocopy of the ground plan of the proposed building (with particulars of floor area) certified by the Local Authority.
  - (b) Proof of right to carry on business at the identified premises by submitting either the original deeds as proof of ownership along with a certified copy of the same which shall be retained in the file maintained for the purpose, or if the premises are not owned by the applicant, a document expressing the consent of the owner of the premises that the proposed business can be carried out undisturbed in the identified premise. Such document should be appropriately certified by a Notary Public. If the proposed premises is mortgaged a letter should be submitted from the relevant financial institution, confirming that the property is under mortgage.

- (c) Report including the recommendations of the Officer-in-Charge of the Excise Station, Superintendent of Excise and Assistant Commissioner of Excise. (As per Specimen II).
  - (d) A Declaration by way of an affidavit of the applicant that the applicant is not convicted of any offence under the Penal Code or any other offence involving moral turpitude during the preceding 5 years ;
  - (e) If any complaints are received to the contrary, the Commissioner General of Excise shall upon an inquiry as set out in Paragraph 21 hereof refuse to issue a licence/cancel the licence ;
  - (f) A report from the Officer-in-Charge of the Police Station where the licensed premises is situated that the applicant is not convicted of any offence under the Penal Code or the Excise Ordinance during the preceding five (05) years and a Report from the Divisional Secretary where the licensed premises is situated that the applicant is fit and proper person to hold the said licence and there is no objection from the public to the issue of the licence ;
  - (g) Survey Plan from a Licensed Survey indicating the distance (as the crow flies from boundary to boundary) from the proposed building to the nearest places of public religious worship and to schools ;
  - (h) If any complaints are received of a violation of the prescribed distance to schools/religious places from the licence premises, a report from the Government Superintendent of Surveys will be called to clarify and ascertain the actual distance. The cost of such survey shall be borne by the licensee. Upon such survey if it is found that the distance rule has been violated the licence will be cancelled ;
  - (i) A Business Registration Certificate where applicable in terms of the Business Names Act, No. 7 of 1987 and a Certificate of Incorporation in respect of an application by a Company certified as a true copy by a Notary Public ;
  - (j) Proof of payment (non refundable application fee).
14. With regard to retail liquor licences issued to Enterprises such as Super Markets/Grocery Stores and like enterprises proof of turnover should be supported by either a report from a recognized firm of auditors or from the Department of Inland Revenue confirming that the turnover of the applicant or the parent business/company of the applicant exceeded Rs. 72 million for the previous year.
  15. With regard to applications for Club licences, applicants should submit the following reports in addition to the above-mentioned documents and reports :-
    - (a) A Certificate of Registration under the Licensing of Clubs Act, No.17 of 1975 ;
    - (b) Documents to prove the continued existence of the Club for five (5) years immediately preceding the date of application. (This regulation is not applicable to current holders of licences) ;
    - (c) Proof of Operating a Bank Account ;
    - (d) A Certificate of Registration from the Ministry of Sports or Ministry of Social Service ;
  16. Proof of payment of Income Tax, Value Added Tax (where applicable) and other relevant taxes on an yearly basis (during the validity of the licence) in respect of the four quarters including monthly payments where applicable immediately preceding 31st December of such year, along with the payment of the annual licence fee as set out in Column II of Schedule 1. hereof ;
  17. In the event of a failure by a holder of a licence to forward such information, the Commissioner General of Excise shall with the concurrence of the Secretary to the Treasury cancel such licence ;

18. New applicants applying for licences for the sale of Beer, Ale, Stout and Wines (FL 22A) are required to submit the documents and reports as referred to under sub paragraphs (a), (b), (c), (d), (f), (g), (j) and (j) of paragraph 13(1) ;
19. The documents and reports necessary to be submitted for existing licence holders (for all categories) ;
  - (a) Documents and reports referred to in Sub paragraphs (b), (c), (d) and (j) of paragraph 13(1) ;
  - (b) A Report from the Assistant Commissioner of Excise on the detections if any made in the premises during the 03 years immediately preceding the year for which application is made ;
20. Requirements regarding location and description of type of premises :
  - (a) Outlets for the sale of liquor off the premises should have a minimum floor area of 250 Sq. ft. Premises selling liquor for consumption on the premises should have a minimum floor area of 500 Sq. ft ;

This requirement will not apply to licences for the retail sale of Beer, Ale, Stout and Wines (FL 22A) ;
  - (b) Applicants for the non Tourist Board type FL 07 or FL 08 Hotel licences and FL 11 Restaurant Licences will comply with the additional requirements regarding location and premises as enumerated in Annex IV. Hotel as distinct from Restaurant Licences will be considered in respect of premises having at least five rooms for the exclusive use of visitors ;
  - (c) The location of premises for operation of licences in respect of sale of liquor off the premises should be 100 meters away (as the crow flies from boundary to boundary) from Schools and places of public religious worship and in respect of licences for selling liquor for consumption within the premises, should be 500 meters away (as the crow flies from boundary to boundary) from schools and places of public religious worship ;
  - (d) Provided, however, that in respect of licenses where the sale of liquor is not the main commercial object of the Enterprise as determined by the Commissioner-General of Excise, considering the observations of relevant authorities and in respect of premises where a license has been in continuous operation for 10 years or more at the same location, the relaxation of the distance specified in paragraph (c) of this item may be considered by the Commissioner-General of Excise, if he is satisfied that there are no specific objections by the public in respect of the issuance of the licenses to such premises ;

Provided further that if sufficient proof is adduced to the satisfaction of the Commissioner-General of Excise that such public religious place of worship or school as the case may be was established subsequent to the issue of a license to a particular premises, in such an event paragraph (c) of this item will not be applicable ;
  - (e) No licences will be issued for the establishment of any premises for the sale of liquor within a radius of one kilometre from the boundary of any gazetted sacred area. Licence already established within these limits, have to relocate to places beyond the aforesaid one-kilometre radius before December 31, 2007 ;
  - (f) However, the relaxation of paragraph (e) of this item may be considered by the Commissioner General of Excise for already issued licenses which have been in continuous operation for 10 years or more at the same location and, if he is satisfied that the main commercial object of the Enterprise is not the sale of liquor as determined by him or any other appropriate authority, relevant to the nature of business of the applicant.
21. Any objection or protest received by the Commissioner-General of Excise from a member of organization of the public either before or after the issue of a licence, on the ground that there has been a violation or non

compliance with any requirement of the Excise Ordinance or the Guidelines and Conditions herein contained in regard to the issue or continuance of a licence, will be notified by the Commissioner-General of Excise to the applicant or the licensee as the case may be and will thereafter be inquired into by the Commissioner-General of Excise as to the validity thereof and action taken after such inquiry on the basis of the findings thereat. In such an inquiry, if it is found that the establishment/ continuing the licence at that place may threat or likely threat to the maintenance of law and order in the area, Commissioner-General of Excise can decide to relocate the licence premises to a suitable place. This decision will be final.

22. Applications for licence in respect of premises wherein a licence has already been in operation. will be considered only on condition that all dues in respect of the licence in operation or operated previously in such premises or in the applicant's name have been fully paid and settled.
23. Where an inquiry is pending in respect of such licences already in operation applications for a licence to operate in the same premises or by the same person will be considered only on deposit of security, the amount of which will be determined by the Commissioner-General of Excise, in respect of composition fees liable to be levied in respect of such offences in terms of Excise (Special Provisions) (Amendment) Act, No. 37 of 1990 and provisionally pending the outcome of such inquiry.
24. A second licence within the same Administrative District in favour of an applicant who has already been granted a license will only be considered if there is no other eligible applicant.
25. In any event, the Commissioner-General of Excise will not issue to an applicant more than two licences within a particular district, when in the opinion of the Commissioner-General of Excise it can lead to a likely situation of monopoly or under supply of liquor or hinder free and unfettered supply distribution or consumption of liquor within the district.
26. In the evaluation and consideration of an application for a licence made by an applicant, who had received more than two licences within or outside a district, the Commissioner-General of Excise shall take into account all or any factors of economy, social welfare, culture, religion, needs of liquor industry, safety of the society and the consumers monopolistic situations and undue influence on the liquor industry and consumption likely in his opinion to affect adversely the policy of excise and may refuse such applications where it deem expedient in his opinion.
27. Change of location of a licensed premises may be considered on payment of an application fee of Rs. 7,500 for processing the application, and a sum of Rs. 100,000 as fees for shifting premises, provided that there is provision to issue such licence where the licence relates to an area restricted by 11 and fulfilment of all the other requirements in respect of premises herein contained.
28. However, no approval will be granted to relocate any type of license for any reason after December 31, 2007. The licenses which are currently being operated in rented places or on Leased Agreements have to move to permanent places. If the Licensees continue to operate at such places, approval will not be granted to relocate their licenses after completing the rented period or Lease Agreement.
29. Transfer of licence from one person to another will be considered on the payment of the application fee of Rs. 7,500 and the submission of documents and reports as are set out herein to be forwarded by a new applicant in proof of fulfilment of all the requirements for issue of a licence herein contained.
30. Where the transferee is not a legal heir of the Transferor a further sum of Rs. 500,000 shall be paid in the case of FL4 type licences and Rs. 150,000 shall be paid in other types of licences as fees for transfer of the licence to such Transferee.



#### SCHEDULE IV

##### CRITERIA FOR APPROVAL OF RESTAURANTS/ HOTELS

###### *Location :*

- (a) The locality and environs should be suitable for a Restaurant/ Hotel.
- (b) The appearance of the building and its construction should be of a good standard.

###### *Size :*

- (a) Minimum floor area should be at least 500 square feet.
- (b) Should have sufficient space to arrange tables and chairs to provide seating accommodation for at least 25 persons at a time.

###### *Building, Fittings and Fixtures :*

- (a) The whole household including all ancillaries thereof (that is the building furniture, furnishings, equipment, shelves, fixtures, etc.,) should be of high standard and properly maintained.
- (b) Should have a sufficient number of electric fans or air conditioning facility.
- (c) Tables and chairs as well as all furniture, amenities and equipment should be of appropriate high standard.
- (d) Proper ventilation should be provided with.
- (e) Facilities for listening to live or recorded music should be available.
- (f) Household and space thereof be free from creatures, insects and rodents.

###### *Toilets:*

- (a) There should be toilets with modern sanitary facilities, with separate toilets for females and males.
- (b) Toilets should be maintained in excellent condition and all fittings and equipment should be in good working order.
- (c) All toilets to be provided with water on tap, soap, towels, etc.
- (d) There should be separate toilets with modern sanitary facilities for use of the staff.

###### *Kitchen :*

- (a) Kitchen should be separate from the serving area and tidily maintained.
- (b) Crockery, cutlery and glassware should be of good quality and without damage.
- (c) Table linen should be of quality material and clean.
- (d) The kitchen and pantry should be well designed and equipped to ensure efficient and hygienic preparation of food and should be well maintained, clean and in hygienic condition.
- (e) The kitchen should be ready with suitable wood, gas ovens, electrical stoves/cookers.
- (f) Kitchen floors and walls should be cleaned and of impervious material.
- (g) Kitchen utensils should be adequate of good quality and be cleaned;
- (h) Kitchen tables and shelves should be built of good quality material and should be of impervious finish.
- (i) There should be adequate cold storage facilities.
- (j) There should be separate facilities for purpose of washing of crockery, cutlery, tableware, cooking utensil, equipment, pots and pans etc.
- (k) Separate facilities should be available for cleaning hands of staff.
- (l) Kitchen drains and outlets from sinks should be in good condition and unexposed within the building..



*Food :*

- (a) Food served to guests should be of good quality, hygienic and clean.
- (b) Food required for serving must always be available when Restaurant/ Hotel is opened.
- (c) Drinking water should be boiled and filtered or otherwise suitably treated.

*General :*

- (a) The premises should have an atmosphere of elegance and attraction;
- (b) A Committee comprising of the Assistant Commissioner of Excise, Superintendent of Excise, Officer-in-Charge of the Excise Station will issue a Certificate of Compliance with the above requirements, will be a per-requisite for the issue of a liquor licence.

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