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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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No. 1544/17 - THURSDAY, APRIL 10, 2008

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PART I : SECTION (I) — GENERAL

Government Notifications

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,
04th April, 2008.

Rules

1. These rules may be cited as the “Excise Notification No. 902” and shall come into operation from the date of publication of this Notification.

2. From and after the date of the coming into operation of these rules, all persons wishing to obtain a license 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 The guidelines and conditions shall be applicable until varied or rescinded, for the issue of all categories of liquor licenses in respect of any financial year commencing from January 1st of any year and ending on December 31st of the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 license is to be issued in respect of a category of license specified in Column I of Schedule I hereto, shall also ensure that the premises to which the license relates shall be in accordance with the “Criteria for the approval of premises to which the license relates” as are specified in Schedule IV to these rules.

5. Every person to whom a license is granted under these regulations shall pay the Annual Levy specified for the relevant category of license 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 license is granted shall execute a Counterpart Agreement to cover the tenure of his license 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 license 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, the Excise Notification No. 887 published in Gazette Extraordinary No. 1424/7 of December 19, 2005, the Excise Notification No. 888 published in Gazette Extraordinary No. 1456/24 of 03.08.2006, and the Excise Notification No. 892 published in Gazette Extraordinary No. 1477/25 of 29.12.2006 are all hereby rescinded.

SCHEDULE I

ANNUAL LICENSE FEE / SECURITY DEPOSIT PAYABLE

	<i>Nature or Description of the License</i>	<i>Annual License Fee Rs.</i>	<i>Security/ Deposit Rs.</i>
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 manufacture 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	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/Foreign Liquor Outlet	75,000	50,000

	<i>Nature or Description of the License</i>	<i>Annual License Fee Rs.</i>	<i>Security Deposit Rs.</i>
12.	Toddy Bottling License	5,000	-
13.	Vinegar Manufactory License	200	-
14.	Tree tapping for Vinegar (per tree)	25	-
15.	Wholesale License for Liquor (FL/3)	375,000	50,000 (for Arrack only)
16.	Retail License for Liquor (FL/4) Municipal Area U.C. Area Other areas	225,000 150,000 125,000	25,000 25,000 25,000
	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	300,000	25,000
17.	Hotel License (FL/7) (Tourist Board approved) Rooms 250 or over Rooms 200 or over Rooms 100 or over Rooms 50 or over Rooms 20 or over Rooms below 20 Hotels Non Tourist Board Approved 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 Council 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) A. Grade B. Grade 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

	<i>Nature or Description of the License</i>	<i>Annual License Fee Rs.</i>	<i>Security Deposit Rs.</i>
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. areas Other areas	75,000 50,000 25,000	25,000 25,000 25,000
28.	Sports Clubs - Municipal areas U.C. areas and other areas	50,000 20,000	- -
29.	Special License for sale of Beer, Ale, Stout and Wines Retail License (FL/22A) Consume at the premises (FL/22B) - Tourist Board Approved and not approved Establishments	35,000 50,000	2,500 2,500
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 :

- Types of License 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.
- Levy of application fees will be limited to the types of license described under items numbered 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29 and 30.
- Bottling License should be obtained for the following license described under items numbered 1, 2, 3, 4, 5, 6, 8, 12, 41, 42, 43, 44 and 45.
- Stamp duties should be charged in terms of the stamp duties (Special Provisions) Act No. 12 of 2006 published in Gazette in 1439/1 of April 03, 2006.

SCHEDULE II

SPECIMAN APPLICATION FORM FOR ISSUE OF LIQUOR LICENSE

From To

For Official Use only

<i>Application Form</i>				<i>Excise Verification Process</i>
To be completed by the Application as accurately as possible by (a) the option which is not practiced <i>or</i> (b) filling in the details <i>or</i> (c) state “Not Applicable” if currently not relevant				To be completed by the Excise inspector, ✓(tick) if OK, and give details if NO
1. General Details Full Name of Applicant/Applicants : Address : Tele/Fax No. : Business Registration No. : (where applicable)				..... ..... ..... ..... ..... ..... .....
Nationality : ID Card No. : Age : Occupation : .....				..... ..... ..... ..... .....
2. License Details				<i>Please give details if Disagreeing with Applicant</i>
Type of License : FL/.....	Nature of License	Off - Premises	On - Premises	..........
IF FL07, Hotel License, the number of Rooms : .....				..... .....
Does the applicant hold other Excise License ?		Yes	No	..........
If “Yes”	Type of License	Place of Operation		

i			
ii			
iii			
iv			

Has a Liquor License been in operation in this premises as at 15th Nov of the current year	Yes No	if “Yes”	
Names & Address of the License (If different from above)			
Total duration (continuously) the License in operation at this premises			
Year of Commencement			

3. Geographic Location of Premises where Applicant Propose to Operate License	<i>Please give details if Disagreeing with Applicant</i>
Postal Address : District : Divisional Secretariat : Police Area : Electorate : Excise Station : .....	..... ..... ..... ..... .....

4. Suitability of Premises as per its Location	<i>Please give details if Disagreeing with Applicant</i>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top;"> Is the distance to following places more than that prescribed as per the type of license ? (Retail off licenses 100 m Consumption within premises - 500m.) </td> <td style="width: 30%; text-align: center;"> A Place of public religious worship </td> <td style="width: 10%; text-align: center;"> Yes </td> <td style="width: 10%; text-align: center;"> No </td> <td rowspan="3" style="width: 20%; border-bottom: 1px dotted black;"></td> </tr> <tr> <td></td> <td style="text-align: center;"> Schools </td> <td style="text-align: center;"> Yes </td> <td style="text-align: center;"> No </td> </tr> <tr> <td colspan="4" style="text-align: center;"> Attach a copy of the Survey Plan from a Licensed Surveyor as ANNEX I </td> </tr> </table>	Is the distance to following places more than that prescribed as per the type of license ? (Retail off licenses 100 m 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 ANNEX I			
Is the distance to following places more than that prescribed as per the type of license ? (Retail off licenses 100 m 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 ANNEX I														

Is the premises situated within a Foreign Liquor Tavern area ?		Yes	No	..........
If "Yes" - specify distance from the nearest Tavern :				
For Club License Holders - Complete only if relevant	Are you registered under the Club Act No. 17 of 1975 ?	Yes	No	.....
	Are you registered with the Ministry of Sports/Ministry of Social Services ?	Yes	No	.....
	Have you been actively operating the last 5 years ?	Yes	No	.....
	Do you hold a Bank Account ?	Yes	No	.....
5. Criminal Offences :				
Have you been convicted of any criminal offences ?		Yes	No	.....
Have you been convicted for any excise offences ?		Yes	No	.....
Are there any records regarding any criminal or excise offence committed at the proposed premises ?		Yes	No	.....
Have you been blacklisted for holding excise licenses ? If "Yes" for any of the above, give details in ANNEX 2		Yes	No	.....
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	.....
			
			
6. Proof of ownership, Approval for use and description of the premises				<i>Please give details if Disagreeing with Applicant</i>
Type of Ownership	Owned	Rented	.....
Attach Copy of Registered Deed/Rental, Lease Agreement - certified by a Notary Public as ANNEX 3			.....
Any dispute regarding the Ownership ? If "Yes" give details in ANNEX 4	Yes	No	.....
If "Rented" has the Owner approved the premises for operation ? If "Yes" attach Approval certified by a Notary Public in ANNEX 5	Yes	No	.....
What area of the building is occupied by the proposed premises ? If "Part of building" - attach a sketch of the total plan indicating what the other areas will be used for - as ANNEX 6	Total Building	Part of Building/Floor	.....

Boundaries of the Licensed Premises	North by : South by : West by : East by : .....				..... ..... ..... .....
Description of the Building (delete if not relevant) Attach a certified rough sketch as ANNEX 7	Floor Roof Walls	Cemented Asbestos Brick & Mortar	Tiled Tiled Pre-Fab	Others Others Others	Also comment on the overall suitability of the building
Describe the type of Doors, Windows & other ventilation : if "Others" - describe details in ANNEX 8					
Assessment No. of the Building : If no Number, details in ANNEX 9 .....					.....
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 a violation of the rules and regulations and notifications under the Excise Ordinance and rules and regulations that will be imposed in future under the said ordinance is committed, the license may be suspended or cancelled by the order of the Commissioner General of Excise and the 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 an officer acting for or on behalf of the Government of Sri Lanka. Signature of Applicant / Applicants. Date :					General Comments of Excise Inspector. Signature of Excise Inspector Date :

Annex I, II, III, IV, V, VI, VII, VIII and IX to the Application Form

<i>For Office use only</i>	
<i>To be completed by the Applicant / Applicants</i>	<i>Excise Report</i> To be completed by the Excise Inspector
Suitability of Location of Premises ANNEX I	

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.		
Criminal Offences ANNEX 2		
<p>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</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p>		<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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 application that the applicant is not convicted of any offence under the Penal Code or any other offence involving moral turpitude during the preceding 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 (5) 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 license and that there is no objection from the public to the issue of the license.	
<p>Proof of Ownership, Approval for use and description of the premises.</p> <p>ANNEX 3 Copy of Registered Deed, Rental / Lease Agreement - certified by a Notary Public.</p>		
<p>Disputes regarding ownership</p> <p>ANNEX 4 Details of any dispute in regard to the Ownership of the proposed premises, building or a Court order against the building.</p> <p>.....</p> <p>.....</p> <p>.....</p>		

Approval in case of rented premises ANNEX 5 If building rented or leased - on Agreement (Certified by a Notary Public) from the Owner, that the business will be allowed to continue undisturbed.	
Where only part of building is used ANNEX 6 If “part of building” - attached a sketch of the total plan indicating what the other areas will be used for :	
Sketch of building to be used ANNEX 7 Attach a certified rough sketch of the building proposed to be used as the premises.	
Description of materials used in building ANNEX 8 If walls, roof etc., constructed from what has not been specified in the form give details : 	
If No, Assessment Number is given to premises ANNEX 9 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. 	
OTHER REQUIREMENTS:	
(a) Copy of Ground Plan certified by Local Authority (not required for FL 22 A Licenses)	
(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)	

OBSERVATIONS AND OVERALL RECOMMENDATION

1. To be filled by the Excise Inspector :

Overall suitability of the Building and any recommendation for alterations to the buildings as per the Excise requirements.

Signature :
Name :
Date :
Seal :

2. Officer-in-charge of Excise Station :

Signature :
Name :
Date :
Seal :

3. Superintendent of Excise :

Signature :
Name :
Date :
Seal :

4. Assistant Commissioner of Excise :

Signature :
Name :
Date :
Seal :

SCHEDULE III

GUIDELINES AND CONDITIONS APPLICABLE FOR THE ISSUE OF EXCISE LICENSES

1. (a) The present holders of licenses will not be entitled to automatic renewal thereof, On termination of the validity of a license, if licensee, so desires to renew his license, an application should be forwarded at least fifteen (15) days prior to the expiry of such license.
- (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 applications forms (as set out in Schedule II) 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 license to such person.

3. Applications must be complied 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 applications is made on the prescribed form (as set out in Schedule II).
5. When applying for a new license or applying for renewal of an existing license the applicant should pay a non-refundable application fee of Rs. 7,500.00.
6. A license will be issued for a period of three consecutive financial years, except in the case of licenses issued to Tourist Board approved Restaurants/Tourist Board approved Hotels, where the validity of such licenses will be for one year only. In the case of fresh license being issued during a financial year, such licenses will be issued for the remaining period of that year and for two further consecutive financial years except in the case of license issued to Tourist Board approved Restaurants, Tourist Board approved Hotels, where such licenses will be issued for the remaining period of that year only.
7. All licenses issued to successful applicants under the Excise Ordinance shall be subject to a license 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 licenses initially issued for part of a year. Though the license is issued for 3 years, the license 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 after 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 license fee of such delay. After that the penalty will be 3% of the value of the license fee. A license holder shall not be allowed to carry on business in the licensed premises until the license fee is paid for the relevant financial year.
8. In addition to the license fee, a security deposit is payable on each type of license 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 license, 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. Accordingly 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 inquires, 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 licenses, 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/11) 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 licenses (FL/04) issued 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 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 premises. Such document should 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 Schedule 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 license /cancel the license.

- (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 offense 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 license and there is no objection from the public to the issue of the license.
 - (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 license 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 Club Act, 17 of 1975.
 - (b) Documents to prove the continued existence of the club for five-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 Services.
16. Proof of payment of Income Tax, Value Added Tax (where applicable) and other relevant taxes on an yearly basis (during the validity of 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 I 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), (i) and (j) of paragraph 13.
19. The documents and reports necessary to be submitted for existing licence holders (for all categories) :
- (a) Documents and reports referred to in sub paragraph (b), (c), (d) and (j) of paragraph 13 :
 - (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 requirements will not apply to licence for the retail sale of Beer, Ale, Stout and Wines (FL 22A).

- (b) Applicants for the non Tourist Board type FL07 or FL08 Hotel licences and FL 11 Restaurant Licences will comply with the additional requirements regarding location and premises as enumerated in Schedule 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 licenses 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.

Provided, however that in respect of following types of existing licences, the relaxation of the distance specified in paragraph (c) of this item may be determined 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 licences to such premises.

- (i) Licenses approved by the Tourism Development Authority (Former Tourist Board)
- (ii) Licenses which have been in continuous operation for 10 years or more at the same location.
- (iii) Licenses remained enforce prior to the establishment of such public religious place of worship or school.

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 license, 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 license 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 license in respect of premises wherein a license has already been in operation, will be considered only on condition that all dues in respect of the license 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 licenses already in operation applications for a licences 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 (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. No approval will be granted to relocate any liquor selling license. However in the case of a natural disaster or, due to a government development activity or due to any other reason which Excise Commissioner General considers as reasonable, change of location of a licensed premises can be considered, if the relocation takes place within the same Divisional Secretariat Division. In order to consider such a request, applicant has to pay Rs. 7,500 for processing the application and a sum of Rs. 100,000 as fees for shifting premises. The new location should comply with all the requirements stipulated in this notification. The condition of not approving the relocations will not apply to liquor manufacturing licenses.
28. Transfer of licence from one person to another will be considered on the payment of the application fee of Rs. 7,500.00 and the submission of documents and reports as are set out herein to be forwarded by a new applicant in proof of fulfillment of all the requirements for issue of a license herein contained.
29. Where the transferee is not a legal heir of the Transferor a further sum of Rs. 500,000.00 shall be paid in the case of FL 04 type licences and Rs. 150,000.00 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 should 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) Crokery, 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.

6. 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.

7. General :

The premises should have an atmosphere of elegance and attraction. 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 pre-requisite for the issue of a liquor licence.

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