



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

LICENSING OF CLUBS
(AMENDMENT)

ACT, No. 38 OF 1987

[Certified on 30th September, 1987]

Printed on the Orders of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of October 02, 1987

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : 90 cents

Postage : 75 cents

**Licensing of Clubs (Amendment)
Act, No. 38 of 1987**

[Certified on 30th September, 1987]

L. D.—O. 17/86.

**AN ACT TO AMEND THE LICENSING OF CLUBS
LAW, NO. 17 OF 1975**

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Licensing of Clubs (Amendment) Act, No. 38 of 1987.

Short
title.

2. Section 2 of the Licensing of Clubs Law, No. 17 of 1975 (hereinafter referred to as the "principal enactment") is hereby amended as follows:—

Amendment
of section
2 of Law
No. 17 of
1975.

(1) by the substitution, in subsection (2) of that section, for paragraphs (a), (b) and (c), of the following paragraphs:—

" (a) sent in triplicate to the Chairman of the local authority through the Assistant Government Agent of the division within which the premises of the club to be licensed are located ;

(b) substantially in the Form specified in the Schedule to this Act ;

(c) accompanied by a copy of the rules of the club, duly certified by the secretary, president or manager to be a true copy thereof and the appropriate licence fee except where an exemption is claimed under section 5 and an application fee of fifty rupees ; and";
and

(2) by the insertion, immediately after subsection (2) of that section, of the following new subsections:—

" (2A) No licence shall be issued under this Law in respect of a club formed on or after the date on which this subsection comes into operation, if the premises at which the club intends to carry on its activities are situated within two hundred and fifty metres from any place of religious worship, school or hospital.

(2) From and after the date on which this subsection comes into operation, no licence shall be issued or renewed under this Law in respect of a club, whether formed before, on or after such date, unless it is registered under the Societies Ordinance or incorporated by an Act of Parliament :

Provided that a local authority may allow an application for the first renewal, after the date on which this subsection comes into operation, of a licence issued under this Law in respect of a club, notwithstanding the fact that such club is not so registered or incorporated, subject to the condition that it registers itself under the Societies Ordinance or incorporates itself by an Act of Parliament within a period of one year from the date of such first renewal.

(2B) Where an application has been made for a licence under this Law, the applicant shall cause to be erected at the premises at which the club is carrying on or intends to carry on its activities, a hoarding stating such fact and such hoarding shall not be removed until a final decision is made, and conveyed to the applicant, in respect of that application, and where the applicant fails to cause to be erected such a hoarding as required in this subsection he commits an offence under this Law."

Amendment
of section
4 of the
principal
enactment.

3. Section 4 of the principal enactment is hereby amended by the substitution, for the proviso to that section, of the following proviso:—

"Provided, however, that the fees so prescribed shall not exceed the following limits:—

| | Rs. |
|---|------|
| (a) in the case of any Municipal Council | 5000 |
| (b) in the case of any Urban Council | 2000 |
| (c) in the case of any Development Council or Pradeshiya Sabha | 500" |

Amendment
of section
6 of the
principal
enactment.

4. Section 6 of the principal enactment is hereby amended by the insertion immediately after paragraph (a) of that section of the following paragraph:—

"(aa) forward a copy of the application—

(i) relating to a club formed for social or recreational purposes, to the Director of Social Services;

(ii) relating to a club for cultural or religious purposes, to the Director of the Cultural Affairs; and

(iii) relating to a club formed for the purpose of any sporting activity, to the Director of Sports, who shall make a report to the Chairman, within four weeks of the date of the receipt of such copy, as to the bona fides of the club ;”.

5. Section 10 of the principal enactment is hereby amended by the substitution for the words “the Excise Commissioner, or”, of the words “the Excise Commissioner, the Director of Social Services, the Director of Cultural Affairs, the Director of Sports, or”.

Amendment of section 10 of the principal enactment

6. Section 12 of the principal enactment is hereby amended by the substitution for the words “Every such appeal other than an appeal by the Superintendent of Police or the Excise Commissioner”, of the words “Every such appeal other than an appeal by the Superintendent of Police, the Excise Commissioner, the Director of Social Services, the Director of Cultural Affairs or the Director of Sports”.

Amendment of section 12 of the principal enactment.

7. Section 16 of the principal enactment is hereby amended as follows :—

Amendment of section 16 of the principal enactment.

(1) by the substitution, in subsection (1) of that section, for the words, “The following provisions shall apply to any premises in respect of which a licence has been issued under this Law :—”, of the words “No application for the issue or renewal of a licence under this Law shall be allowed on or after the date on which this subsection comes into operation unless the premises on which the club carries on or intends to carry on its activities conform to the following :—” ;

(2) by the substitution for paragraph (k) of subsection (1) of that section, of the following paragraph :—

“(k) adequate parking facilities for vehicles of registered members and of guests accompanying them shall be provided within the premises of the club.” ; and

(3) by the substitution for subsection (2) of that section of the following subsection :—

“(2) Where it appears to the Chairman at any time that the premises of any club in respect of which a licence has been issued under this Law do

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not conform to the provisions of subsection (1) the Chairman may, by written notice to the president, secretary or manager of such club, request such president, secretary, or manager to take all necessary steps to comply with such notice before a date to be specified in such notice. The Chairman may, at his discretion, extend the period of time specified in such notice."

Amendment
of section
17 of the
principal
enactment.

8. Section 17 of the principal enactment is hereby amended as follows:—

(1) by the substitution, in subsection (1) of that section for the words "The rules of a club licensed under this Law", of the words "The rules of a club in respect of which an application for the issue or renewal of a licence under this Law has been made";

(2) by the substitution, for paragraphs (f) and (g) of subsection (1) of that section, of the following paragraphs:—

"(f) the days on which, and the hours at which, the premises of the club are open and closed;

(g) registration, in the guests' register to be maintained, of the guests accompanying the registered members to the club; and

(h) the mode of altering the rules."

(3) by the substitution, in subsection (2) of that section, for the words "Where a club has, at the time the licence is granted,", of the words, "Where a club in respect of which an application for the issue or renewal of a licence under this Law has been made has";' and

(4) by the substitution for subsection (3) of that section of the following subsections:—

"(3) Where a club in respect of which an application for the issue or renewal of a licence under this Law has been made has rules which contain provisions relating to only some of the matters specified in subsection (1), the Chairman may, on application, grant time at his discretion to amend the existing rules in such manner that such rules, as amended, will contain provisions relating to all such matters.

(4) The president, secretary or manager of the club shall, within the time granted under subsection (3), amend the rules as required by subsection (3) and send a copy of the rules so amended to the Chairman.

(5) Where the president, secretary or manager of the club fails to amend the rules and send them to the Chairman as required by subsection (4), the application for the issue or renewal of the licence in respect of such club shall be disallowed."

9. Section 21 of the principal enactment is repealed and the following section substituted therefor :—

Amendment of section 21 of the principal enactment.

"Application of Excise Ordinance &c.

21. A licence under this Law shall not be deemed in any way to authorize or permit the keeping, sale, supply or consumption within the premises of any club of any intoxicating liquor in contravention of, or otherwise than in accordance with, the provisions of the Excise Ordinance or any other written law applicable in that behalf and no intoxicating liquor shall be served in any club licensed under this Law to any person other than a person registered as a member of that club :

Provided, however, that where any registered member of the club brings any guest with him to the club, such guest may be served intoxicating liquor upon his name being duly registered in the guests' register maintained in accordance with the rules of the club."

10. The following new section is hereby inserted immediately after section 23, and shall have effect as section 23A, of the principal enactment :—

Insertion of a new section 23A in the principal enactment.

"23A. The president, secretary or manager of a club licensed under this Law who knowingly permits any indecent, violent, quarrelsome or riotous conduct within the licensed premises of such club shall be guilty of an offence under this Law.

11. Section 26 of the principal enactment is hereby amended by the substitution for the definition "local authority" in that section, of the following definition :—

Amendment of Section 26 of the principal enactment.

"local authority" means any Municipal Council, Urban Council, Development Council or Pradeshiya Sabha ;".

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SCHEDULE

..... Municipal/Urban/Development Council/
Pradeshiya Sabha*

LICENSING OF CLUBS LAW, NO. 17 OF 1975

APPLICATION FOR OBTAINING A LICENCE TO RUN A CLUB

(to be forwarded in triplicate to the Mayor in the case of a Municipal Council or the Chairman in the case of a Urban Council, Development Council or Pradeshiya Sabha through the Assistant Government Agent of the Division within which the premises of the Club is located.)

1. Name of Applicant : _____.
2. Residential Address of Applicant : _____.
3. Whether the Application is made in the capacity of President, Secretary or Manager : _____.
4. Name of Club : _____.
5. Situation of Club : _____.
6. Activities of Club : _____.
7. Place where the activities are performed : _____.
8. Names and residential addresses of the following :—
 - President : _____.
 - Secretary : _____.
 - Manager : _____.
9. Membership :—
 - Whether General/Associate/Honorary* : _____.
10. Whether the premises of the Club conforms to the provisions of subsection (1) of section 16 of the Law: —
11. Whether the rules of the Club contains provisions relating to all the matters specified in subsection (1) of section 17 of the Law. (Please annex a certified copy of the rules of the Club). : _____.
12. Whether requirements under section 2. (2A) have been fulfilled : _____.
13. Whether there is a liquor bar or whether liquor is served in the club premises. If so has a licence/permit been obtained from the Excise Authorities for the purpose : _____.

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14. Whether exemptions from the licence fee is claimed under section 5 of the Law. (Indicate under which paragraph of section 5 such exemption is sought and annex the relevant supporting documents) :—.

I hereby certify that the above particulars are true and correct.

Signature of Applicant.

Date :—.

Place :—.

Before me.

_____,
J. P.

Report of the A.G.A. (the A.G.A. is requested to make a report, after proper investigation, in regard to the activities of the Club, facilities provided, membership etc., and make his recommendation).

(*Strike off whichever is inapplicable.)