

CHAPTER 609

LICENSING OF CLUBS

Law A LAW TO PROVIDE FOR THE CONTROL OF CLUBS AND FOR MATTERS CONNECTED
No. 17 of 1975, THEREWITH OR INCIDENTAL THERETO.
Act
No. 14 of 1980.

[1st July. 1975.]

Short title. **1.** This Law may be cited as the Licensing of Clubs Law.

Prohibition of maintenance of unlicensed clubs. **2.** (1) Within the administrative limits of any local authority no club shall—

- (a) if it is formed before the appointed date, continue to be maintained after the expiry of three months after that date, or
- (b) if it is formed on or after the appointed date, continue to be maintained after the expiry of two months after the date of its formation,

except under the authority of a licence issued by the Chairman of such local authority,

[§ 2, 14 of 1980.1

(IA) Notwithstanding anything in subsection (1), no club formed on or after the specified date shall be maintained within the administrative limits of any local authority except under the authority of a licence issued by the Chairman of such local authority.

In this subsection, "specified date" means such date as may be specified by the Minister for the purposes of this subsection by Order published in the Gazette.

(2) Every application for a licence shall be—

- (a) sent in triplicate to the Chairman of the local authority;
- (b) in writing;
- (c) accompanied by the appropriate licence fee and an application fee of ten rupees except where an exemption is claimed under section 5 ; and
- (d) signed by the secretary, president or manager of the club in respect of which such licence is required and

such application shall contain the residential address of such secretary, president or manager and the location of the premises of the club.

(3) Where any club is maintained in contravention of subsection (1) or subsection (IA), the secretary, president or manager of such club shall each be guilty of an offence under this Law. [§ 2, 14 of 1980.]

3. A licence issued by a local authority may be in such form as may be prescribed by such authority and shall, subject to the provisions of section 14, remain in force until the thirty-first day of December next following the date on which the licence is granted and shall be renewable annually, on fresh application made. Form and duration of licence.

4. The Minister may prescribe in respect of every local authority the scale of fees payable in respect of a licence to maintain a club and the scale of fees so prescribed shall be published in the Gazette : Fees payable for licence.

Provided, however, that the fees so prescribed shall not exceed the following limits:— [§3, 14 of 1980.]

	Rs.
(a) in the case of the Colombo Municipal Council . .	5,000
(b) in the case of any other Municipal Council . -	5,000
(c) in the case of any Urban Council	1,500
(d) in the case of any Town Council or Village Council ..	350

Exemption from licence fee.

5. Notwithstanding the provisions of sections 3, 4 and 26, the following associations shall be exempt from the licence fee :—

- (a) any club certified by the Director of Sports or by a public officer authorized by such Director as a club formed solely for social, recreational or cultural purposes or for the purpose of any sporting activity;
- (b) any club the membership of which is restricted to employees of any Government department or a public corporation and which is so certified by the head of such Government department or by the chief executive officer of such corporation ;
- (c) any religious association as may be determined by the Chairman ; and
- (d) any club the membership of which is restricted to employees of any local authority and which is so certified by the Chairman.

Chairman's duties on receipt of application.

6. Upon receipt of an application for a licence or for a renewal of a licence, the Chairman shall—

- (a) forward a copy of such application to the Superintendent of Police ;
- (b) forward a copy of such application to the Excise Commissioner who shall within two weeks of the receipt of the application cause a report thereon to be furnished to the Chairman:
- (c) cause to be published a notice in the Gazette—
 - (i) stating that the application has been made and specifying the name of the applicant, the name of the club and the premises at which the club is carrying on or intends to carry on its activities; and
 - (ii) calling upon any person residing in the neighbourhood of the said club or in the

neighbourhood of the premises intended for the said club who desires to object to the issue of such licence to furnish to the Chairman in duplicate within four weeks of the date of the notice a written statement of the grounds of his objections.

7. The Superintendent of Police shall on receipt of the copy of any application under paragraph (a) of section 6, make a report to the Chairman within four weeks of the date of receipt of such copy stating whether he recommends or not the issue or the renewal, as the case may be, of the licence and giving his reasons therefor.

Report of Superintendent of Police. [§ 4, 14 of 1980]

8. The Chairman shall cause a copy of every statement of objections furnished to him under sub-paragraph (ii) of paragraph (") of section 6 in respect of any application to be served on the applicant.

Copy of statement of objections to be served on the applicant.

9. (1) Where there is no objection to an application for a licence from any of the persons specified in section 6, and where the Superintendent of Police recommends the issue or renewal of the licence, the Chairman shall make an order allowing the application and shall cause a copy of such order to be served on the applicant, the Superintendent of Police and the Excise Commissioner.

Chairman to make order.

(2) Where objection is taken to an application for a licence by any of the persons specified in section 6, the Chairman shall, after giving the applicant and each objector an opportunity of being heard, make order allowing or disallowing the application. The order shall contain a statement of the grounds upon which it is made, and the Chairman shall cause a copy thereof to be served on the applicant, the Superintendent of Police, the Excise Commissioner and on every person who has taken objection to the application.

10. Any applicant for a licence, the Superintendent of Police, the Excise Commissioner, or any person who objects to the issue of such licence may, if he is aggrieved by the order of the Chairman, within ten days from the date of the service on him of the order, appeal against the order to the Minister in the manner set out in section 12.

Appeal against order of Chairman.

11. An order under subsection (2) of section 9 shall have no effect until—

Effect not to be given to order in certain circumstances.

- (a) the period within which an appeal may be made under section 10 against such order has expired ; or

(b) where an appeal is preferred, until the Minister confirms the order.

Statement of grounds of appeal.

12. Every appeal under section 10 or section 15 shall be preferred by a written statement setting out the grounds of such appeal. Every such appeal other than an appeal by the Superintendent of Police or the Excise Commissioner under section 10 shall bear a stamp or stamps to the value of five rupees, and shall be sent to the Chairman, who shall, after cancelling such stamp or stamps, send such appeal to the Minister within ten days of the receipt thereof.

Minister's decision to be final.

13. The decision of the Minister on any appeal whether confirming or setting aside an order of the Chairman under section 9 or section 15 shall be final and conclusive and shall not be questioned in any court.

Right of persons to form a club.

14. In the exercise of the powers under subsection (2) of section 9 or section 13, due regard shall be had to the right of persons to form a club for social, recreational or cultural purposes or for the purpose of any sporting activity, but subject however, to the interest of public order, public health or morals and the protection of the rights and freedoms of others living in the neighbourhood.

Cancellation and revocation of licences.

15. (1) The Chairman may by order at any time cancel and revoke the licence of any club if on a written report from the Superintendent of Police, he is satisfied that—

- (a) the club is not conducted in good faith as a club ; or
- (b) the premises of the club are used for any unlawful purpose , or
- (c) there is frequent drunkenness and disorderly behaviour on the premises of the club ; or
- (d) persons who are not members of the club or guests of such members are permitted to enter and remain on the premises of the club for the purpose of obtaining intoxicating liquor; or
- (e) persons are admitted as members without an interval of at least four weeks between their nomination for membership and their election as members; or
- (f) there is lewd entertainment within the premises of the club ; or

(g) the premises of the club are used for immoral purposes; or

(h) the club has ceased to exist.

(2) The order under subsection (1) shall contain a statement of the grounds upon which it is made and a copy thereof shall be served on the president, secretary or manager of the club.

(3) The president, secretary or manager of any club may within fourteen days from the date of service on him of the order appeal against the said order to the Minister in the manner set out in section 12.

(4) An order under subsection (1) revoking a licence shall have no effect until—

(a) the period within which an appeal may be made under subsection (3) against such order has expired ; or

(b) where an appeal is preferred, until the Minister confirms the order.

16. (1) The following provisions shall apply to any premises in respect of which a licence has been issued under this Law :—

Standards applicable to premises.

(a) the club-house shall be substantially built and shall be in good repair and every room shall be adequately ventilated and shall have proper lighting facilities ;

(b) no wall of a building forming part of the premises shall be less than nine feet in height;

(c) the eaves of any building forming part of the premises shall not be less than seven feet from the ground ;

(d) the roof shall be made of permanent or semi-permanent material;

(e) the woodwork of the building comprising the premises shall be painted ;

(f) the ground floor of the club-house shall be cemented;

- (g) there shall be adequate drainage facilities to the premises ;
- (h) there shall be an adequate supply of water to the premises together with a supply of drinking water ;
- (i) where cooking is done in the premises a separate room shall be kept apart as a kitchen with an adequate outlet for smoke;
- (j) fire-fighting equipment of any nature adequate for the purpose of fighting a fire within the premises shall be maintained within such premises;
- (k) facilities for the parking of vehicles shall be provided within the premises where the access to such premises is along a roadway which is less than thirty feet in width.

(2) Where the premises of any club do 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 the said notice. The Chairman may, at his discretion, extend the period of time specified in the said notice.

17. (1) The rules of a club licensed under this Law shall contain provisions relating to the following matters:—

- (a) the election of ordinary, associate and honorary members and the admission of temporary members and guests;
- (b) the election of the secretary and other office-bearers of the club ;
- (c) an interval of not less than four weeks between the nomination of any person for membership and his election as a member;
- (d) the rate of any subscriptions and entrance fees that are payable ;
- (e) the manner of terminating membership;
- (f) the days on which, and the hours at which, the premises of the club are open and closed ; and

(g) the mode of altering the rules.

(2) Where a club has, at the time the licence is granted, rules containing provisions relating to the matters specified in subsection (1), the president, secretary or manager of the club shall, within thirty days after the licence is granted, send to the Chairman a copy of such rules certified by him to be a true copy thereof.

(3) Where a club has at the time the licence is granted no rules or rules which contain provisions relating to only some of the matters specified in subsection (1):—

- (a) the members of the club shall within three weeks after the grant of the licence make rules containing provisions relating to such matters or amend the existing rules in such manner that such rules as amended will contain provisions relating to all such matters;
- (b) the president, secretary or manager of the club shall, within one month after the date of the completion of the making of the rules, or the amendment of the rules, as required by paragraph (a) of this subsection, send a copy of the rules so made or amended to the Chairman.

18. The Chairman may, by order at any time cancel and revoke the licence of any premises where he is satisfied that there has been a breach of all or any of the provisions of sections 16, 17-or 19 of this Law, and the provisions of subsections (2), (3) and (4) of section 15 shall, *mutatis mutandis*, apply to any such order and to any appeal thereon.

19. There shall be kept on the premises of every club—

- (a) a copy of the rules and by-laws of the club with all amendments thereto signed by the president, secretary or manager of such club;
- (b) a register of ordinary members setting out the address of each member together with his signature or left thumb impression, as the

Rules of a club to be sent to the Chairman within a specified period.

Cancellation and revocation of licences in certain circumstances.

Books, registers and documents to be kept on the premises.

case may be, and the record of the last payment made by such member in respect of his subscription ;

- (c) a separate register of temporary members, honorary members and associate members, showing in each case the address of each such member together with the signature or left thumb impression, as the case may be, of such member;
- (d) a minute book recording the business transacted at all general meetings of the members of the club and a minute book recording the business transacted at all meetings of the committee of the club ; and
- (e) such other registers, accounts and documents as may be prescribed.

Power to inspect registers, accounts and documents.

20. It shall be lawful for the Chairman or any officer authorized by him in writing or any police officer of a rank not below that of Sub-Inspector or of any excise officer of a rank not below that of Inspector at any reasonable time to enter the premises of a club and call for and inspect all registers, accounts and documents required by or under this Law to be kept on the premises, and take copies of the whole or any part of any such register, account or document.

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.

This Law not to apply to any naval, military or air force canteen or mess.

22. The provisions of this Law shall not apply to any canteen or mess of the Sri Lanka Police or of any naval, military or air force lawfully raised or stationed in Sri Lanka.

Licence fees to be credited to fund of local authority.

23. All fees recovered by a local authority under this Law shall be credited to the appropriate fund of such local authority.

24. (1) Every person who commits an offence under this Law or under any regulation made thereunder shall, on conviction after trial before a Magistrate, be liable, notwithstanding the provisions of the Code of Criminal Procedure Act or any other law, to imprisonment of either description for a period not exceeding six months or to a fine not exceeding five thousand rupees or to both such fine and imprisonment.

Offences and penalties. [§ 5, 14 of 1980.]

(2) Where a fine imposed under this Law is recovered the court may direct that such fine or such part of the fine as is equivalent to the fees payable to the local authority as is prescribed by the Minister under section 4 of this Law, be paid to the fund of the local authority within the administrative limits of which the club in relation to which the offence was committed is situate.

25. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law and to provide for any matter required by this Law to be prescribed.

Regulations.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

26. In this Law unless the context otherwise requires—

Interpretation.

'appointed date' means the 1st day of July, 1975;

" Chairman "—

- (a) in relation to any Municipal Council, means the Mayor of that Council;
- (b) in relation to any other local authority, means the Chairman of that local authority;

" club " means a voluntary association of persons which has been formed for social, recreational or cultural purposes or for the purpose of any sporting activity or for any combination of such purposes ;

"Excise Commissioner" includes the Superintendent of Excise in charge of the area in which the club in respect of which a licence is required is situate;

"intoxicating liquor" has the same meaning assigned to the expression * liquor " in the Excise Ordinance ;

" local authority " means any Municipal Council, Urban Council, Town Council, or Village Council;

" public corporation" means any corporation, board or other body which was or is established by or under any written law, other than the Companies Ordinance,* with capital wholly or partly provided by the Government by way of grant, loan or other form; and

" Superintendent of Police" means the Superintendent of Police in charge of the area in which the club in respect of which a licence is required is situate.

* Repealed and replaced by the Companies Act, No. 17 of 1982.