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THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 12,127 — 1960 මැයි 6 වැනි සිකුරාදා — 6.5.1960

No. 12,127 — FRIDAY, MAY 6, 1960

(Published by Authority)

PART I: SECTION (I)—GENERAL

“Excise Ordinance” Notices

L. D.—B. 28/38

EC. LA/T/34.

TODDY RENT SALE CONDITIONS FOR 1960-61 AND SUBSEQUENT PERIODS

BY virtue of the powers vested in me by section 18 of the Excise Ordinance (Chapter 42), as modified by the Proclamation published in *Gazette Extraordinary* No. 9,773 of September 24, 1947, I, Tikiri Banda Wadugodapitiya, Excise Commissioner, do hereby direct, with the approval of the Minister of Labour, Industries and Fisheries, that the grant of the exclusive privilege of selling fermented toddy by retail within any local area, during the period specified in special condition 1 (1) and subsequent periods shall until further notice be subject—

- (1) to the General Conditions for the time being in force and applicable to all Excise Licences, and
- (2) to the Special Conditions set out hereunder.

T. B. WADUGODAPITIYA,
Excise Commissioner.

Office of the Excise Commissioner,
Colombo, May 4, 1960.

Special Conditions

1. (1) *Periods of Privilege.*—

(a) The privilege shall be granted—

- (i) for the period commencing on July 1 of any one year and ending on June 30 of the next succeeding year, in respect of all toddy taverns in the Mannar District of the Northern Province, in the Vavuniya District of the Northern Province, and in the Eastern Province (except in the cases of Alampil and Valayanmadam taverns in the Vavuniya District of the Northern Province); and

- (ii) for the period commencing on October 1 of any one year and ending on September 30 of the next succeeding year, in respect of all toddy taverns in other Provinces,

or for any shorter period within these twelve months, on application by way of tender in the form or by auction in the manner prescribed in these conditions.

(b) In the case of Alampil and Valayanmadam toddy in the Vavuniya District of the Northern Province, the privilege shall be granted for the period commencing on March 1 of any one year ending on September 30 of the same year, or for any shorter period within these seven months on application as aforesaid.

(2) *Areas for which Privilege granted.*—

The privilege may be granted for the local area of an individual tavern, or for the respective local areas of each tavern in a group of taverns, as the Government Agent may decide.

2. *Tapping areas and Number of Trees allowed for Tapping.*—

(1) Tapping areas, particulars of which may be obtained from the Superintendent of Excise of each Circle, will be allotted for all taverns other than those situated within the limits of the Colombo Municipality or in the Chilaw District, and licences to tap trees outside the tapping area allotted to a tavern will not be issued without the sanction of the Excise Commissioner previously obtained in writing.

(2) The number of trees that will be allowed to be licensed for tapping will be estimated on the basis of the previous period's sale figures, with due regard to the likely increase or decrease of sales.

(3) Trees situated even within the tapping areas allotted are liable to be disallowed on the ground of inaccessibility, distance from one another, situation in relation to places of worship, or of cemeteries, or of illicit consumption or sale, or for other similar reasons. The final arrangements for the lease of the trees should therefore be made only after the topes specified in the application are approved by the Superintendent of Excise.

3. *Tender Form.*—

Every tender shall be made on the form set out hereunder. Forms may be obtained from the offices indicated in the sale notice.

No tender form will be issued to any limited liability company unless documents are produced to prove that such limited liability company is not disqualified under condition 6 (2).

4. Tender Deposit.—

(1) The Government Agent may, if he considers it necessary, require the deposit of a sum not exceeding five thousand rupees (Rs. 5,000) by the tenderer in respect of each tender. Such deposit shall be made either in cash or by cheque marked "for payment" by a bank or by that form of cheque known as "a safety check" issued by the Bank of Ceylon, or by a cheque drawn by a bank on itself.

(2) Every tender shall be accompanied by a Kachcheri receipt acknowledging the deposit of the sum required by the Government Agent under the foregoing paragraph of this condition, and the number and date of the receipt shall be entered on the face of the tender form.

5. Prohibition of Tenders by Agents or of more than one tender by any Person.—

(1) Every tender or bid shall be made by the tenderer or bidder in his own name. No tender or bid made through an agent will be accepted.

(2) No person shall send in more than one tender for any one tavern or group of taverns.

(3) Not more than five persons shall jointly tender or jointly bid for any one tavern or group of taverns.

6. Disqualifications against Acceptance of Tenders; Acceptance null and void.—

(1) No tender will be accepted from any person—

- (a) who is not a citizen of Ceylon; or
- (b) who is not a male; or
- (c) who is not the holder of a rice ration book of the Series for the time being in force; or
- (d) who is under 21 years of age; or
- (e) whose name appears on the list of defaulting contractors, or on the list of defaulters in respect of any kind of excise licence or of toll rents, or on the list of persons precluded for other reasons from having any concern in any Government rent or contract; or
- (f) whose name is on the list of persons who are debarred either from holding excise licences or from being employed by excise licensees; or
- (g) who is a criminal within the meaning of the Prevention of Crimes Ordinance; or
- (h) who at any time held a licence which has been cancelled under section 26 of the Excise Ordinance; or
- (i) who has been convicted of any offence under the Excise Ordinance more than three times; or
- (j) who has been convicted of any offence under the Excise Ordinance within the two years next preceding the date of commencement of the privilege.

Provided that in the case of any person who is not the holder of a ration book referred to in paragraph (c), the Government Agent may accept a tender from such person if he produces a certificate from the Village Headman of the area giving his permanent address.

(2) No tender will be accepted from any limited liability company—

- (a) not registered in Ceylon; or
- (b) the capital of which company falls below Rs. 500,000; or
- (c) all the shareholders of which company are not citizens of Ceylon; or
- (d) without a registered office in Ceylon.

(3) If any tender of any such person has been accepted the Government Agent may, in his sole discretion, cancel the acceptance at any time, and shall communicate his order of cancellation to the grantee. On the making of any such order of cancellation, the original acceptance shall become null and void. The tenderer shall not be entitled to claim any compensation from the Crown as a result of such cancellation. Notwithstanding anything in condition 10, the deposit made under condition 4 or the security deposit made under condition 9 (1) (a), or both such deposits may, at the discretion of the Government Agent, be liable to forfeiture to the Crown.

7. Delivery of Tenders.—

(1) Every tender shall be placed in a sealed envelope, on the top left-hand corner of which shall be clearly marked the name of the tavern in respect of which the

tender is made and its number on the list of sanctioned taverns, or the designation of the group of taverns in respect of which the tender is made as given in the notice calling for tenders, as the case may be.

(2) Every sealed envelope containing a tender shall—

- (a) be deposited in the Kachcheri tender box; or
- (b) be handed to the Government Agent or to his Assistant; or
- (c) be sent by registered post addressed to the Government Agent so as to reach the Kachcheri, before the time fixed for closing the tenders.

8. (1) Power of Rejection of Tender.—

The Government Agent may, in his discretion, reject any or all of the tenders received; and in the event of his so rejecting all tenders, he may call for tenders again or put up the privilege, either at once or after further notice, for sale by auction.

(2) Restriction of Bidding at Auction.—

At such auction the following persons shall not be allowed to bid:—

- (a) any person who is disqualified under condition 6, and
- (b) any other person who has not—
 - (i) submitted a tender accompanied by the Kachcheri receipt prescribed in condition 4, whether such tender be for the particular privilege to be auctioned or for any other privilege; or
 - (ii) produced the receipt prescribed in condition 4, notwithstanding his failure to submit a tender for the particular privilege to be auctioned or for any other privilege:

Provided that no person who is duly declared the purchaser of any privilege, whether by way of tender or of auction, shall use or be permitted to use the same receipt for the purpose of a tender or a bid for any other privilege, until he has completed in respect of the privilege already granted to him the steps prescribed hereinafter in connection 9 (1) (a).

(3) Power of Rejection of Bid.—

The privilege shall be granted to the highest bidder at such auction: Provided that the Government Agent may, in his discretion, reject any or all of the bids made at such auction.

(4) Procedure after Rejection of all Bids.—

In the event of the rejection of all bids as aforesaid, the Government Agent may, in his discretion—

- (a) call for further tenders for the privilege for any single tavern or for sub-groups of two or more taverns included in any group of taverns, or for any combination of parts of groups or of whole groups of taverns either at once or after further notice, and accept or reject all or any tenders so received and thereafter, put up for sale by auction the privilege for any single tavern or sub-groups or combinations as aforesaid for which the further tenders were rejected, either at once or after further notice, and accept or reject all or any bids so received; or
- (b) put up for sale by auction the privilege for any single tavern or for sub-groups of two or more taverns included in any group of taverns, or for any combination of parts of groups or of whole groups of taverns either at once or after further notice, and accept or reject all or any bids so received; or
- (c) grant the privilege for the tavern, or group, or any single tavern or sub-group of two or more taverns included in a group or for any combination of parts of groups or of whole groups of taverns to any person, who is approved by the Government Agent, and who agrees to pay by way of rent such amount as the Government Agent may fix.

(5) Procedure after Rejection of further Bids.—

In the event of the rejection of the bids received under paragraphs (4) (a) and 4 (b) of this condition, the Government Agent may, in his discretion, take action under paragraph 4 (c).

8A. Procedure in the event of two or more tenders being received for the same amount.—

In the event of two or more tenders being received for the same amount, the Government Agent may at his discretion—

- (a) decide to whom the privilege shall be given by the toss of a coin; or
- (b) put up the privilege at once for sale by auction and no person who has not submitted a tender shall be permitted to bid at the auction; or
- (c) reject all the tenders and call for fresh tenders.

9. (1) (a) Security Deposit.—

(i) Subject to the provisions of paragraph (iii), on being declared to be the purchaser of the privilege, the grantee shall, at any time but not later than 4 p.m. on the day on which he is so declared to be the purchaser, sign these conditions and pay to the Government Agent as a security deposit a sum equivalent to two months' rent payable for that privilege. Such payment shall be made in cash or by cheque marked "for payment" by a Bank or by that form of cheque known as a "safety check" issued by the Bank of Ceylon, or by a cheque drawn by a Bank on itself.

(ii) Where the security deposit paid by the grantee exceeds Rs. 10,000 the grantee may, if he so desires, furnish a bank guarantee for such security within fourteen days of his being declared to be the purchaser of the privilege and upon such guarantee being accepted by the Government Agent, the deposit made by the grantee under condition 9 (1) (a) (i) shall be refunded to him.

(iii) The Government Agent may in his discretion permit the grantee to sign the said condition and pay the said security deposit not later than 12 noon on the following day in the event of the grantee being unable on account of some unavoidable or unforeseen circumstances to sign the said Conditions and pay the said security deposit by 4 p.m. on the day on which he is declared to be the purchaser.

(b) Signing of Bond.—

The grantee shall also, within fourteen day of his being declared to be the purchaser of the privilege, enter into a bond on Form General 112 with the Government Agent for the full amount for which he has purchased it, and he shall specially hypothecate by such bond the said security deposit. Any stamp duty payable in respect of such bond shall be paid by the grantee.

(c) Consequences of Breach of Condition of Bond.—

The said security deposit shall be liable to be confiscated, either in whole or in part, by the Government Agent, at his sole discretion and without any process of law, for breach of any of these conditions or of any of the conditions of the licence or licences referred to in condition 12 (2) below, or for non-payment of any instalment, and such confiscation shall be in addition to any other penalty prescribed by these conditions for such breach or non-payment, and to any other amount which the Crown may have the right to claim and recover by due process of law.

(2) Banking of Security Deposit.—

Security money so paid will be deposited in a bank, being a bank approved by Government, only on the grantee's application and only at his risk, and when such deposit is made, no withdrawal will be allowed till the date of maturity.

(3) Warrant of Power of Attorney to confess Judgment.—

If the highest bid or tender under condition 8 exceeds the sum of Rs. 2,000 the grantee shall at the time of the execution of the bond as aforesaid execute, if so required by the Government Agent, a warrant or power of attorney in the form sanctioned by law, to confess judgment in any action which may be instituted against him for the recovery of any moneys due in respect of this privilege, and shall also furnish to the Government Agent within fifteen days of the date of the execution of such warrant or power of attorney a duly certified copy thereof for filing in the District Court under section 32 of the Civil Procedure Code.

(4) Registered Postal Address.—

The grantee shall, on signing these conditions, elect and signify under his hand a post office or postal address to which all notices and processes whatever in connection with the privilege may be addressed; and all such notices or processes so addressed to such post office or to such postal address, and posted in due course, shall be deemed to have been duly served and be as effectual for all purposes, as if they had been served upon the grantee in person upon the day on which such notice or process was so posted.

10. Failure to complete Purchase of Privilege.—

If any tenderer or bidder, on being declared to be the purchaser of the privilege, declines or fails to sign these conditions of sale within the time limit specified in condition 9 (1) or fails to furnish the security prescribed in that condition within the aforesaid time limit, the privilege granted to him shall be declared to be null and void and the deposit made by him under condition 4 shall be declared forfeited, and the defaulter shall render himself liable to have his name entered in the list of defaulters in respect of all Excise licences. Subject to this exception, the deposits of all tenderers or bidders will be returned after the conditions of sale have been signed and the aforesaid security given by a successful tenderer or bidder.

11. Grantee to have no interests in certain Arrack and Foreign Liquor Sales and Toddy Estate Canteens.—

The grantee shall not acquire or hold any share or any interests, whether direct or indirect—

- (a) within the local area to which the privilege of selling toddy relates—
 - (i) in the sale of arrack, or
 - (ii) in the purchase of any privilege of selling arrack, or
 - (iii) in the sale of foreign liquor, or
 - (iv) in the purchase of any privilege of selling foreign liquor; or

(b) within the Revenue District to which the privilege of selling toddy relates, in any toddy estate canteen.

12. (i) Opening of Tavern on Due Date and Approval of Site.—

(a) The grantee shall open the tavern or taverns on the day on which the privilege commences to run.

(b) The Government Agent shall not be bound to find a site for any tavern in the event of the grantee not being able to procure a site.

(c) The grantee shall not open a tavern on any site otherwise, than with the approval of the Government Agent, such approval being obtained from the Government Agent at least fourteen days before the privilege commences to run.

(2) Obtaining of Licences for Sale of Toddy.—

The grantee shall, not less than five days before the date on which the privilege commences to run, obtain from the Government Agent a licence or licences for the sale by retail of fermented toddy at the tavern or taverns within the local area covered by this privilege.

13. (1) Application for Licensing of Trees.—

(a) The grantee shall, at least twenty-one days before the date on which the privilege commences to run, furnish to the Superintendent of Excise an application on the prescribed form showing the numbers and the situation of the trees which he proposes to tap for the supply of fermented toddy for sale at each tavern, and the situation and numbers of the collecting stations for toddy which he proposes to establish. Where the fermented toddy is to be supplied to the grantee by a contractor, such contractor shall also sign the application.

(b) No trees shall be tapped or toddy drawn in pursuance of this privilege by either the grantee or the contractor, otherwise than under cover of a tapping licence setting forth the numbers and the situation of such trees, the name of the drawer, the name of the owner or possessor of such trees, and the tavern for which the fermented toddy is intended.

(c) No licence for the tapping of trees in any garden for the supply of toddy to taverns shall be granted to any person if a licence has been granted in respect of any trees in that garden—

(i) for the drawing of unfermented (sweet) toddy, or

(ii) for the drawing of fermented toddy for the purpose of supplying any arrack distillery or an estate toddy canteen or for the purpose of manufacturing vinegar.

(2) Licences for Additional Trees.—

Any application for a licence to tap additional trees for any tavern shall be made to the Superintendent of Excise in like manner three weeks before the grantee intends to commence the tapping of such trees.

(3) Tapping Areas for Taverns.—

Except in cases where the Excise Commissioner's previous sanction has been obtained in writing the Superintendent of Excise will not issue any licence to tap any tree situated outside the tapping area allotted to that tavern.

(4) Power to refuse or cancel Licences.—

Subject to appeal to the Excise Commissioner, whose decision shall be final, the Superintendent of Excise shall have power to refuse any application for a licence to tap additional trees for any tavern, and to cancel the tapping licence, the continuance of which appears to him to be unnecessary or open to objection.

(5) Special Temporary Licences.—

Special licences for tapping and drawing fermented toddy from trees already tapped for sweet (unfermented) toddy will be allowed in order to meet a temporary special demand for festivals and such other contingencies for any period not exceeding two weeks' duration, provided, however, that such special licences will not be granted in respect of trees tapped for sweet toddy in dry areas.

(6) Clay Pots and Coir Ropes.—

No licence under this condition shall be issued to a grantee unless he purchases the clay pots and coir ropes to be used for the purposes of tapping and drawing toddy under the licence from the Potters and Coir Co-operative Unions and Societies: Provided, however, that a licence shall be granted to any person who has been exempted by the Excise Commissioner from purchasing such pots and ropes from such Unions and Societies.

14. Employment of Labour.—

- (1) The grantee shall not, except with the prior approval in writing of the Excise Commissioner given with the concurrence of the Permanent Secretary to the Ministry of Labour, Industries and Fisheries employ any person other than a citizen of Ceylon to do any work connected with or incidental to the privilege.
- (2) For the purposes of condition 6 and of this condition, the expression "citizen of Ceylon" means a citizen of Ceylon by descent or by registration.

15. (1) (a) Marking of Trees.—

The grantee shall not—

permit any tree to be tapped or toddy to be drawn from any tree for the supply of fermented toddy for sale at any tavern, unless such tree has first been marked for the purpose in the manner prescribed by the Excise Commissioner; or

(b) Transport Passes.—

permit any toddy to be transported to any tavern otherwise than under cover of a pass issued to him under the hand of the Superintendent of Excise, and setting forth the name of the person who is to transport the toddy.

(2) Separate Pass for each Carrier.—

The grantee shall obtain separate passes for the transport of toddy by pingo carrier from the tree tope to the tavern or collecting station and for its transport by cart,

lorry or other vehicle from the collecting station to the tavern, and shall deliver the appropriate pass to such pingo carrier or to the person in charge of such cart, lorry or other vehicle.

(3) Separate Passes for each person handling Toddy.—

The grantee shall obtain a separate pass for each person employed in collecting or otherwise handling toddy at topes, collecting stations, or taverns.

16. Establishment of Collecting Stations.—

If toddy is to be transported in pursuance of this privilege by motor vehicle, cart or railway, the grantee shall establish collecting stations on a road suitable for use by all motor traffic in places approved by the Superintendent of Excise, and shall obtain licences for such collecting stations. The grantee shall be bound by and conform to the conditions prescribed in the notifications relating to such collecting stations.

17. Bottling of Toddy.—

(a) The Excise Commissioner may, in his absolute discretion, issue or authorize the issue of a licence to—

(i) any grantee to bottle toddy at duly approved premises, other than premises licensed for the retail sale of liquor, and to sell such bottled toddy by retail at his toddy tavern or taverns and by wholesale at his bottling premises to any other grantee for retail sale by such other grantee only at such other grantee's tavern or taverns, or

(ii) any other person to bottle toddy at duly approved premises as aforesaid and to sell by wholesale at such premises such bottled toddy only to renters of toddy taverns for retail sale by such renters at their licensed taverns under the provisions of Excise Notifications Nos. 344 and 345 published in *Gazette* No. 8,448 of April 28, 1939, as amended by any subsequent Notification, or

(iii) any foreign liquor licensee approved by him, in the local area of a toddy tavern, to sell by retail, bottled toddy obtained from that toddy tavern.

(b) No bottled toddy shall be transported to a toddy tavern for sale thereat except under a pass issued by the Assistant Commissioner of Excise.

(c) The sale of bottled toddy at a tavern shall be under the same restrictions and regulations to which the retail sale of ordinary toddy in bulk is subject.

18. (1) Payment of Rent.—

The grantee shall pay the purchase money or rent to the Government Agent in twelve equal monthly instalments: Provided, however, the Government Agent may, in his discretion, after retaining such sums as may be due to Government, from the security deposited under condition 9 (1), permit a portion of the eleventh and the twelfth instalments of the purchase money to be set-off against the security so deposited.

(2) Due date of Instalments.—

The first instalment of rent shall be deemed to be due and payable on the last day of the month preceding the commencement of the period of the privilege as in condition 1, and the succeeding instalments shall be deemed to be severally due and payable on the last day of each succeeding month: Provided, however, that if any such day is a Sunday or a public holiday, the instalments of rent due and payable on such day shall be deemed to be due and payable on the day next following, which is not itself a public holiday or a Sunday, as the case may be. Every instalment of rent shall be tendered at the Kachcheri Shroff's counter before 3 p.m. on a week day, other than a Saturday, or before 12 noon on a Saturday.

(3) Interest and Penalty.—

Interest at the rate of 9 per centum per annum shall be payable in respect of all arrears of rent. The payment of interest shall not be deemed to prejudice or affect the powers which may be exercised by the Government Agent under section 53 of the Ordinance in any case in which the licence issued to the grantee is liable to be cancelled under section 26.

19. (1) *Payments not valid without Kachcheri Receipt.—*

No payment of any sum due by the grantee to the Crown shall be deemed to have been duly made, unless the grantee produces a Kachcheri receipt in respect thereof.

(2) *Money left with Officers not reckoned as Money paid.—*

No money which, for his own convenience, the grantee may think fit to leave in the hands of any Shroff or any other officer of any Kachcheri shall be deemed to be money paid under this contract.

20. *Limit of Sale and Transport.—*

The limit of sale by retail with respect to the whole Island and as regards purchasers generally shall be one-sixth of an imperial gallon until September 30, 1959, and from October 1, 1959, it shall be one-third of an imperial gallon; and no toddy in excess of that quantity shall be removed by the grantee or sold at any one time to any person except on a valid permit or pass.

21. *Prohibition of Possession of Toddy in certain Dry Areas.—*

The transport or possession of toddy in any quantity whatsoever is entirely prohibited within the areas specified in Excise Notification No. 261 published in Gazette No. 8,046 of May 4, 1934, as amended by Excise Notification No. 323 published in Gazette No. 8,301 of July 9, 1937, except under a pass or permit granted in accordance therewith.

22. *Grantee responsible for Agent's Acts.—*

The grantee shall be responsible for all acts of his agents and employees in relation to the privilege,

23. *Non-transferability of Privilege.—*

The privilege shall not be transferable otherwise than with the sanction of the Excise Commissioner first had and obtained.

24. (1) (a) *Cancellation of Licences and Privilege for Non-payment of Rent, &c.—*

If any instalment or part of any instalment of the purchase money or rent, or any duty, fee, composition fee, or other sum due to the Crown from the grantee in respect of the grant or of the licence issued to him, remains unpaid, after the date on which it becomes due and payable, the grantee shall be deemed to have committed a breach of these conditions and of the conditions of the licence issued to him, and the Government Agent shall accordingly have power, without further process of law, either (i) to suspend or cancel the licence or licences issued to the grantee in pursuance of the provisions of section 26 of the Excise Ordinance, or (ii) after fifteen days notice in writing to the licensee or grantee of his intention to do so, take the licence or grant under management at the risk of the grantee, or to declare the licence or grant forfeited and reissue or resell it at the risk and loss of the grantee in pursuance of the provisions of section 30 of the said Ordinance. Where any such action as aforesaid is taken by the Government Agent, any loss sustained by Government in consequence of such action may be recovered from moneys due to the grantee or from any one or more of them, as the case may be, whether on this privilege or on any other privileges or contracts between him or them and the Government or from any other money due from the Government to such grantee or grantees on any other account whatsoever.

This condition does not in any way affect the Government Agent's powers to confiscate the security deposit in pursuance of the provisions of condition 9 above.

All licences issued for the drawing of toddy and all passes issued for the transport of toddy in pursuance of this privilege shall cease to be valid on and after the date on which licence issued to the grantee is suspended or cancelled.

(b) *Intimation of Notice of Cancellation, &c.—*

Intimation of any order of suspension or cancellation, under the said section 26, or the statutory notice or order under the said section 30 may be served personally on the grantee, or addressed to the post office or postal address elected and signified under condition 9 (4) and duly posted, as the Government Agent thinks fit.

(2) *Regrant of Privilege between Cancellation and Resale.—*

In the event of the cancellation of a licence, the Government Agent shall have power to grant the privilege to any person approved by him for any period intervening between such cancellation and the resale of the privilege, and for this purpose may issue to such approved person a temporary licence upon such terms as he may think fit.

(3) *No Remission of Rent.—*

No remission of the rent payable in respect of the privilege will be granted on any plea of the grantee's having overestimated the value of any tavern or on any other ground.

(4) *No compensation of Losses.—*

The grantee shall not have or make any claim to any reduction, or to the remission, of any sum due and owing by him to the Crown by reason of any loss alleged to have been sustained by him—

- (a) whether on account of any closing of the tavern or taverns during the passage of troops or during the encampment of troops in the vicinity of the tavern or taverns, or during the holding of any poll, or
- (b) whether on account of any closing of the tavern or taverns during any riot or civil disturbance or breach of the peace or during the apprehension of any riot or civil disturbance or breach of the peace; or
- (c) whether on account of any closing of the tavern or taverns by reason of such tavern or taverns being situated within or in the vicinity of an area declared to be a diseased locality; or
- (d) whether on account of the opening of any new arrack, or foreign liquor tavern or estate canteen for arrack or toddy or foreign liquor, or any new foreign or country liquor premises of any other description licensed after the sale of the privilege under these conditions; or
- (e) whether on account of the manufacture and drawing of fermented toddy on special licences issued by the Assistant Commissioner for bona fide domestic consumption on medical grounds, and not for sale; or
- (f) whether on account of the manufacture and drawing of fermented toddy within the local area or areas of the privilege hereby granted for supply to licensed manufactories in which toddy is used in the process of manufacture; or
- (g) whether on account of the unrestricted tapping, manufacture and drawing of sweet toddy without any licence or permit; or
- (h) whether on account of the issue of a licence for bottling and sale of bottled toddy to any other grantee or person or on account of the grantee's inability to make satisfactory arrangements with any such bottling licensee for the supply of bottled toddy to his tavern or on account of the breach by any such licensee of any of the conditions of his licence for bottling and sale of bottled toddy; or on account of the refusal of the Excise Commissioner to issue licences under the provisions of condition 17 (a) (iii) above; or
- (i) whether on account of the issue of licences for the manufacture and/or sale of other liquors within the local area or areas for which the privilege is granted; or
- (j) through any other cause whatsoever.

25. *Termination of Privilege.—*

The privilege shall terminate on (a) the expiry of the term for which it is granted, (b) the death of the grantee, or (c) a breach of any of the conditions governing it: Provided that in the event of the death of the grantee, the Government Agent may, in his discretion, permit the legal heirs or the administrator of the estate of the grantee, to continue the privilege till the expiry of the term for which it is granted.

26. *No Surrender of Licence.—*

The licence or licences referred to in condition 12 (2) above, being issued free of charge in pursuance of section 18 (2) of the Excise Ordinance to implement the contract between the Crown and the grantee, shall not be surrendered by the grantee under section 23 of the said Ordinance, except with the approval of the Government Agent previously obtained in writing.

Excise T. 34

GOVERNMENT OF CEYLON

TODDY RENT TENDER FORM
 (Condition 3)

Tender for the purchase of the exclusive privilege of selling fermented toddy by retail within the local area/areas of *_____ in the †_____ district.

To the Government Agent _____.

I/We, the undersigned, hereby tender the sum of Rupees (in words) _____ (Rs. _____) only for the purchase of the exclusive privilege of selling fermented toddy by retail within the above-mentioned local area/areas for the period of one year from _____ to _____ in accordance with your advertisement dated _____.

I/We have deposited the sum of Rupees _____ only in the _____ Kachcheri and subjoin hereto receipt No. _____, dated _____ in respect thereof.

I/We hereby declare that I/We am/are not disqualified under any of the provisions of Special Condition 6 (1) of the Toddy Rent Sale Conditions for 19 _____ —19 _____ and subsequent periods.

Witnesses : _____.

Signature : _____

Address : _____.

* Insert name of tavern.
 † Insert name of district.

Notes

1. A deposit receipt of Rs. _____ is to be annexed to this tender. No tender unaccompanied by a deposit receipt will be accepted. The deposit of Rs. _____ will, subject to the provisions of Toddy Rent Sale Condition No. 6 or No. 10, be refunded.

2. This form must be enclosed in a sealed envelope bearing on its left-hand top corner the name and number of the toddy tavern concerned and must be deposited in the Kachcheri tender box or handed to the Government Agent or to the Office Assistant or posted by registered post in time for delivery at the Kachcheri before the time fixed for closing tenders.

3. A separate form must be used in respect of each tavern, or when taverns are sold in groups of each such group.

AGREEMENT

(Condition 9 (1) (a))

I/We _____ of _____ and _____ do hereby acknowledge that I/We have this day been granted the hereinbefore mentioned exclusive privilege for the sum of Rupees _____ on the conditions set forth above, and I/We do hereby bind myself/ourselves to perform the said conditions.

Witnesses : _____.

Grantee (s) : _____.

I hereby acknowledge receipt of the sum of Rs. _____ paid by _____ and _____ as security deposit under condition 9 (1) (a) of these conditions.

Government Agent.

ADDRESS FOR NOTICES

(Condition 9 (4))

I/We, the undersigned, do hereby, as required by condition 9 (4), appoint the under-mentioned post office/postal address as the post office/postal address to which all notices and processes whatever in connection with the hereinbefore-mentioned privilege may be addressed and posted to me (us).

Witness : _____.

Grantee(s) : _____.

List of Foreign Liquor Premises approved for the Sale of Bottled Toddy (vide Condition 17(a) (iii))

(1) Number of Toddy Tavern or Group of Taverns (2) Foreign Liquor Premises assigned

WESTERN DIVISION

Colombo Municipality

Tavern No. 3 .. F. L. Tavern No. 2, Mutwal
 Tavern No. 4 }
 Do. 5 } .. { National Restaurant, Grandpass
 F. L. Tavern No. 8, Grandpass

Colombo District (outside Municipality)

9. Kanuwana .. Messrs. E. J. G. and A. M. R. C. Casiechetty, F. L. Restaurant, Ja-ela
 10. Weligampitiya .. Messrs. E. J. G. and A. M. R. C. Casiechetty, Retail Off Shop, Ja-ela Resthouse, Ja-ela
 30. Kamachchoda .. Messrs. P. G. Gomez & Co., Retail Off Shop, Negombo
 31. Udayarthoppu .. F. L. Tavern, Green Road, Negombo

Chilaw District

Taverns Nos. 7 and 8 of Group I, Chilaw .. { Mary Miranda (Mrs. L. Gomez), Retail Off Shop, Chilaw
 F. L. Tavern No. 1, Chilaw
 F. L. Tavern No. 2, Chilaw Rest-house, Chilaw

CENTRAL DIVISION

Kandy District

1. Watapuluwa .. { Queen's Hotel and Bar, Kandy
 Castle Hotel and Bar, Kandy
 Royal Hotel and Bar, Kandy
 Empire Hotel and Bar, Kandy
 King's Hotel and Bar, Kandy
 Victory Hotel and Bar, Kandy
 F. L. Tavern, Colombo Street, Kandy
 F. L. Tavern, Trincomalee Street, Kandy
 J. P. A. de Mel, F. L. Retail Shop, Trincomalee Street, Kandy
 A. V. Costa, F. L. Retail Off Shop, Ward Street, Kandy
 Messrs. Miller & Co., Retail Off Shop, Kandy
 Messrs. Cargills, Ltd., Retail Off, Kandy
 The Green Cafe, F. L. Restaurant, Kandy
 4. Pussellawa .. { F. L. Tavern, Pussellawa
 O. K. Don Patrick and O. Don Anthony Romiuld, Retail Off, Pussellawa

Nuwara Eliya District

5. Padiyapellela .. K. N. W. Fernando and K. P. Tudor Silva, Retail Off, Padiyapellela
 Kadadorapitiya .. F. L. Tavern, Pundaluoya

Badulla District

1. Badulla .. { F. L. Tavern No. 2, Badulla
 F. L. Tavern No. 3, Bazaar Street, Badulla
 S. M. S. Poopalarrayar, J. S. Poopalarrayar and S. I. Fernando, Retail Off, Bazaar Street, Badulla
 C. E. Don and J. M. D. P. Perera, Retail Off, Bazaar Street, Badulla
 S. M. Miranda and J. R. B. V. Miranda, Uva Hotel and Bar, Badulla Resthouse, Badulla

Ratnapura District

1. Balangoda .. { F. L. Gomez, F. L. Retail Shop, Balangoda Resthouse, Balangoda

Anuradhapura District

1. Anuradhapura .. { J. D. Victor, Central Hotel, Anuradhapura
 J. M. S. Miranda & Sons, Retail Off Shop, Anuradhapura
 J. Don Victor, Retail Off Shop, Anuradhapura
 Railway Refreshment Room, Anuradhapura

(1) Number of Toddy Tavern or Group of Taverns	(2) Foreign Liquor Premises assigned	(1) Number of Toddy Tavern or Group of Taverns	(2) Foreign Liquor Premises assigned
<i>Trincomalee District</i>		NORTHERN DIVISION	
1. Vilundy 2. Uppuveli 3. Tekiluttu } Group I.	T. Balasubramaniam, Mansion Hotel, Trincomalee	1. Parangitotam	<i>Mannar District</i>
	Mrs. S. Pakkiam, Retail Off Shop, Division No. 7, Trincomalee		{ Foreign Liquor Tavern, Mannar
	T. A. M. Fernando, Maysland Hotel, Trincomalee		{ Mr. K. Alex Perera, Retail Off Shop, Mannar
	Mr. V. K. Chinniah, King's Hotel, Trincomalee Resthouse, Trincomalee (town)		{ Resthouse, Mannar
<i>Batticaloa District</i>		11. Vavuniya	<i>Vavuniya District</i>
2. Koddaimunai 3. Chatturukundan	C. Kuruneru, Lake View Hotel, Batticaloa	1. Mullaitivu	{ T. Sabaratnam, F. L. Retail Off Shop, Vavuniya
	Messrs. S. F. Fernando, S. E. Fernando and A. V. Fernando, King's Hotel, Koddaimunai		{ Resthouse, Vavuniya
	Mrs. V. M. Joseph, Central Hotel, Puliyantivu		{ Empire Hotel, Vavuniya
	Mrs. C. Nadarasa, Hotel and Bar, Grand Eastern Hotel, Koddaimunai	1. Alutgama	{ Resthouse, Mullaittivu
	Foreign Liquor Tavern, Batticaloa, A. S. de Silva Amarasuriya and S. Sivalingham Chettiyar, Retail Off Shop, Main Street, Puliyantivu	SOUTHERN DIVISION	
	Messrs. S. F. Fernando and S. E. Fernando, Retail Off, Central Road, Puliyantivu Resthouse, Batticaloa	<i>Kalutara District</i>	
			{ J. S. M. Silva and Mrs. J. A. de Silva, Foreign Liquor Retail Off Shop, Alutgama
			<i>Hambantota District</i>
		1. Hambantota	{ Mrs. S. H. Ranaweera, Retail Off Shop, Hambantota
			{ Resthouse, Hambantota