

PARLIAMENT OF CEYLON

2nd Session 1961-62



Excise (Amendment) Act, No. 17 of 1962

Date of Assent: May 26, 1962

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AN ACT TO AMEND THE EXCISE ORDINANCE.

[Date of Assent: May 26, 1962]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Excise (Amendment) Act, No. 17 of 1962.

Short title.

2. The following new section is hereby inserted immediately after section 19 of the Excise Ordinance and shall have effect as section 19A of that Ordinance:—

Insertion of new section 19A in Chapter 52.

Power of Government Agent to take possession of premises for certain purposes.

19A. (1) It shall be lawful for the Government Agent of any Administrative District (hereinafter referred to as the "Government Agent"), with the prior approval of the Minister, to take possession of any premises, formerly used for the purposes mentioned in paragraphs (a) and (b) of this sub-section, situated within such Administrative District and to give such written directions as appear to him to be necessary or expedient in connection with the taking of possession of such premises in any case where it appears to him that the premises are required—

(a) for any one or more of the following purposes:—

- (i) manufacturing, or
- (ii) storing, or
- (iii) supplying by wholesale, or
- (iv) selling by wholesale, or
- (v) selling by retail,

any country liquor within any local area, or

(b) for the purpose of selling any foreign liquor by retail in a tavern within any local area under a tavern licence in that behalf from the Government Agent.

(2) Any police officer shall, if requested so to do by the Government Agent, take such steps and use such force as may be reasonably necessary for securing compliance with directions given under sub-section (1) in relation to the taking, or giving up, of possession of any premises.

(3) The period during which possession may be retained of any premises of which possession is taken under sub-section (1) shall be fixed by the Government Agent at the time of taking of possession, but such period may from time to time be varied by the Government Agent.

(4) It shall be lawful for the Government Agent, for the whole or a part of the time during which he is in possession of any premises under this section, to permit the occupation of the premises by any person (hereinafter called the "occupant").

(5) The occupant shall pay compensation, calculated in the manner set out in sub-section (6), to the person to whom rent would have been payable if the Government Agent had not taken possession of the premises and if the occupant was a tenant in respect of the premises of which he is in occupation.

(6) The amount of compensation referred to in sub-section (5) in respect of any premises shall be a sum equal to the rent which, in the opinion of the Government Agent, might reasonably be expected to be payable by a tenant in occupation of the premises, where the tenant undertook to pay all usual rates and to bear the cost of the repairs :

Provided, however, that in the case of any premises to which the Rent Restriction Act applies, the amount of the rent shall not exceed the authorised rent of the premises as determined under that Act.

(7) The occupant shall pay all usual rates and bear the cost of the repairs.

(8) Compensation under sub-section (5) shall be considered as accruing due from day to day for the period during which the premises are permitted to be occupied under sub-section (4), and be apportionable in respect of time accordingly, and shall be payable in respect of any particular month not later than the tenth day of the month next following.

(9) In any case where a dispute arises as to the person to whom any compensation under sub-section (5) in respect of any premises is payable, the provisions of sections 10 to 14 of the Land Acquisition Act shall, in so far as may be, apply in like manner as they apply where any land is to be acquired under that Act.

(10) Any person who is dissatisfied with the manner in which the amount of compensation has been calculated under sub-section (6) may appeal to have that amount revised to the Board of Review constituted under section 19 of the Land Acquisition Act; and the provisions of sub-sections (2) and (3) of section 22 of that Act and of sections 23 to 28 of that Act shall, *mutatis mutandis*, apply in relation to any appeal so preferred.