GOVERNMENT OF KERALA

Taxes (G) Department

NOTIFICATION

G. O. (P) No. 52/2017/TD.  Dated, Thiruvananthapuram, 23rd June, 2017

9th Mithunam, 1192.

S. R. O. No. 343/2017.—In exercise of the powers conferred by sections 24 and 29 of the Abkari Act 1 of 1077, the Government of Kerala hereby make the following rules further to amend the Foreign Liquor Rules issued under notification No. SR4-1859/52/RD dated 17th January, 1953 and published in the Travancore-Cochin Gazette Extraordinary No. 2 dated 17th January, 1953, namely:—
RULES

1. *Short title and commencement.*—(1) These rules may be called the Foreign Liquor (Amendment) Rules, 2017.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Foreign Liquor Rules,—

(1) in rule 13,—

(a) in sub-rule (3),—

(i) in the first sentence, for the words, symbols, figures and brackets “Five Star, Five Star Deluxe classifications from the Ministry of Tourism, Government of India, where the privilege of sale of foreign liquor in such hotels has been purchased on payment of an annual rental of Rs. 23,00,000 (Rupees Twenty-three Lakhs only).” the following words, symbols, figures and brackets shall be substituted, namely:—

“three star, four star, five star, five star deluxe, heritage, heritage grand or heritage classic classification from the Ministry of Tourism, Government of India, where the privilege of sale of foreign liquor in such hotels have been purchased on payment of an annual rental of Rs. 28,00,000 (Rupees Twenty eight lakhs only).”;

(ii) for the sixth proviso the following proviso shall be substituted, namely:—

“Provided also that in the case of hotels which had FL3 licence as on 31st March, 2014 and having valid three star, four star, five star, five star deluxe, heritage, heritage grand or heritage classic classification from the Ministry of Tourism, Government of India, the FL3 license held by such hotels shall be renewed.”;

(b) in sub-rule (3A), for the word “Five” the words “three star and higher” shall be substituted;

(c) in sub-rule (3B), after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that the holder of an FL3 license may serve liquor in the banquet hall of the hotel premises during function conducted in that hall if he obtains a special permit for the purpose from the Commissioner of Excise on payment of additional annual rental of Rs. 50,000 (Rupees Fifty Thousand only).”;
(d) sub-rule (3E) shall be omitted;
(e) in sub-rule (5), for the letters, symbol and figure “Rs. 500”, the symbol and figure “Rs. 1000” shall be substituted;
(f) in sub-rule (7), for the words “International Airports”, the words “domestic as well as International Terminal in the airports in the State” shall be inserted;
(g) in sub-rule (8), for the letters, symbol and figure “Rs. 500”, the symbol and figure “Rs. 1000” shall be substituted;
(h) in sub-rule (8A), for the letters, symbol and figure “Rs. 500”, the symbol and figure “Rs. 1000” shall be substituted;
(i) in sub-rule (8B), for the letters, symbol and figure “Rs. 500”, the symbol and figure “Rs. 1000” shall be substituted;
(j) in sub-rule (11), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that the holder of an FL 11 license may serve beer and wine in the banquet hall of the hotel premises during function conducted in that hall if he obtains a special permit for the purpose from the Commissioner of Excise on payment of additional annual rental of Rs. 50,000 (Rupees fifty thousand only).”;

(2) after rule 24, the following rule shall be inserted, namely:—

“24A. Notwithstanding anything contained in these rules, the hotels having FL 11 licence as on 31st March, 2017 and which were closed on the ground that they are situated within a distance of five hundred metres from National or State Highways shall be allowed to transfer their FL 11 licence to a building situating at a distance of five hundred metres away from the National or State Highways within the taluk having one star standard as stipulated by Tourism Department, Government of Kerala for the classification of restaurant, subject to the following conditions, namely:—

(i) the licensee shall employ all the workers who were in his employment in such hotel as on 31st March, 2017;
(ii) the new premises shall satisfy distance limit specified under sub-rule (1) and (3) of rule 13; 
(3) in rule 28, for sub-rule (1), the following sub-rule shall be substituted, namely:—
“No FL3, FL4A, FL11 licensed premises shall be kept open before 11 O’clock in the morning and after 11 O’clock in the night. No FL1 shop shall be kept open before 9 O’clock in the morning and after 11 O’clock in the night.

Provided that in the tourist centres, approved by Government in Taxes Department FL3, FL11 licensed premises may be kept open from 10 O’clock in the morning to 11 O’clock in the night.”;

(4) in the Forms,—

(a) in FORM FL 3, for condition 20, the following condition shall be substituted, namely:—

“20. No FL3 licenced premises shall be kept open before 11 O’clock in the morning and after 11 O’clock in the night.

Provided that in the tourist centres, approved by Government in Taxes Department, FL3 licenced premises may be kept open from 10 O’clock in the morning to 11 O’clock in the night.”;

(b) in FORM FL 4A, after condition 17, the following condition shall be inserted, namely:—

“17A. No FL 4A licensed premises shall be kept open before 11 O’clock in the morning and after 11 O’clock in the night.”;

(c) in FORM FL 7,—

(i) in the first paragraph, in the first sentence, for the words “International Airport” the words “domestic as well as International Terminal in the Airports in the State” shall be inserted;

(ii) in the first sentence of the second paragraph, for the words “International Airport” the words “domestic as well as International Terminal in the Airports in the State” shall be inserted;

(iii) in condition 2, after the words “International Airport” the words “domestic as well as International Terminal in the Airports in the State” shall be inserted;

(d) in FORM FL 8, in the first sentence, for the letters, symbol, figure, words and brackets “Rs. 500 (Rupees Five hundred only)”, the symbol, figure, words and brackets “Rs. 1000 (Rupees One Thousand only)” shall be substituted;
(e) in FORM FL 8A, in the first sentence, for the letters, symbol, figure, words and brackets “Rs. 500 (Rupees Five hundred only)”, the symbol, figure, words and brackets “Rs. 1000 (Rupees One thousand only)” shall be substituted;

(f) in FORM FL 11, after condition 8, the following condition shall be inserted, namely:

“8A. No FL 11 licensed premises shall be kept open before 11 O' clock in the morning and after 11 O' clock in the night.”

Provided that in the tourist centres approved by Government in Taxes Department, FL 11 licensed premises may be kept open from 10 O' clock in the morning to 11 O' clock in the night.”.

By order of the Governor,

TOM JOSE,
Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government have announced its Abkari Policy vide G.O. (Ms.) No. 43/2017/ TD dated 13th June, 2017. Government have decided to issue FL 3 licences to the hotels having valid three star and above classification certificates obtained from the Ministry of Tourism, Government of India. In order to protect employment of the workers who were employed in FL 11 licensed premises, which were closed in compliance of the Hon’ble Supreme Court judgment dated 31st March, 2017 in Civil Appeal No. 12164-12166/2016, such licensees were allowed to shift to a suitable building situated at a distance of five hundred metres away from the National/State Highways within the taluk. It has also decided to increase licence fees of certain licences. In order to implement the Abkari Policy of the Government, Foreign Liquor Rules needs to be amended.

The notification is intended to achieve the above object.