

Uttarakhand (The United Provinces Excise Act, 1910) (Adaptation and Modification Order, 2002) (Amendment) Act, 2018

UTTARAKHAND

India

Uttarakhand (The United Provinces Excise Act, 1910) (Adaptation and Modification Order, 2002) (Amendment) Act, 2018

Act 23 of 2018

- Published on 1 January 2018
- Commenced on 1 January 2018
- [This is the version of this document from 1 January 2018.]
- [Note: The original publication document is not available and this content could not be verified.]

Uttarakhand (The United Provinces Excise Act, 1910) (Adaptation and Modification Order, 2002) (Amendment) Act, 2018(Uttarakhand Act No. 23 of 2018)An Act Further to amend the United Provinces Excise Act, 1910 (UP Act 4 of 1910) as applicable to the State of Uttarakhand) to the context of the State of Uttarakhand.Enacted by the Uttarakhand State Assembly in the Sixty Ninth Year of the Republic of India-

1. Short Title and commencement.

(1)This Act may be called the Uttarakhand (The United Provinces Excise Act, 1910) (Adaptation and Modification Order, 2002) (Amendment) Act, 2018.(2)It extends to the whole State of Uttarakhand.(3)It shall come into force at once.

2. Amendment of Section 3.

- In the United Provinces Excise Act, 1910 (U.P. Act 4 of 1910) (as applicable to the State of Uttarakhand), hereinafter is referred to as the principal Act, in Section 3, -(i)Clause (12) shall be substituted as follows, namely-(12)"intoxicating drug" means following intoxicating drug, namely -Narcotics drugs and substances, other than leaves of hemp or drink prepared by it or any other intoxicating substance declared under the Narcotic Drugs and Psychotropic Substances Act, 1985 which is notified by the State Government.(ii)Clause (16) shall be substituted as follows, namely-(16)"sale" with its grammatical variations includes any transfer other than by way of service of liquor and its service and by gift in the hotel, restaurant, club and notified places under the

licence in sale;(iii)New Clause (23),(24),(25),(26),(23) and (28) shall be inserted after clause (22) as follows, namely-(23)"Hotel" means a commercial establishment or a part of a building where residential accommodation is, by way of business, provided for a monetary consideration;(24)"Club" means any person or body of persons, registered under the Company Act, 2013 or the Uttarakhand Co-operative Society Act, 2003 or Society Registration Act, 1860 providing services, facilities or advantages, primary to its members, for a subscription or any other amount;(25)"Restaurant" means a commercial establishment where meals are prepared and service to customers for a monetary consideration.Explanation. - Definition of restaurant given in UP Restaurant Consumption of Liquor Rules, 1952 (as adopted and modified in the Uttarakhand), shall be applicable for relevant purposes in spite of the said definition.(26)"Notified place" means any building or part of a building and that premises appurtenant thereto and any specifically demarcated land wherein the supply of liquor in terms of a licence is permitted for consumption within such notified place;(27)"Service and supply of liquor" means providing of liquor for consideration at clubs, restaurants, hotels and any other notified place on the basis of licence issued on the condition that such liquor shall be consumed within the premises of such hotel, club, restaurant or other notified place;(28)"Shop of liquor" means such retail shop who have licence of sale liquor in the sealed bottle etc. in retail.

3. Amendment of Section 17.

- Sub-section (1) of Section 17 of the principal Act shall be substituted as follows, namely-"(1)(a) No intoxicant shall be manufactured;(b)no portion of the hemp plant (*connabis sativa*) from which any intoxicating drug can be manufactured shall be collected;(c)no liquor shall be bottled for sale; and(d)no person shall use, keep or have in his possession any substantial, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant other than tari.Except under the authority and subject to the terms and conditions of a licence granted in that behalf by the Collector."

4. Amendment of Section 24-A.

- In Section 24-A of the principal Act, -(i)Sub-sections (1) and (2) shall be substituted as follows, namely-"(1) Subject to the provisions of Section 31, the Excise Commissioner may grant to any person a licence or licences for the exclusive or other privilege -(a)of manufacturing or of supply by wholesale, or of both; or(b)selling by retail; or(c)of selling by wholesale(d)of selling by retail at shopsany foreign liquor in any locality.(2)The grant of licence or licenses under clause (d) of sub-section (1) in relation to any locality shall be without prejudice to the grant of licenses for the retail sale of foreign liquor in the same locality in hotels, restaurants clubs and notified places for consumption on their premises.(ii)New Sub-sections (5) and (6) shall be Inserted after sub-section (4) as follows, namely-(5)Exclusive privilege for service and supply of Liquor Licence may be granted for service and supply for consumption of liquor within the premises of hotel, restaurant, club and notified places. Every hotel, club, restaurant or any notified place having a licence shall be entitled to engage in the service and supply of liquor to members, guests or other persons for consumption of such liquor within the premises of such club, hotel, restaurant or notified place, irrespective of whether such club, hotel, restaurant or notified place, is located on or near any State

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