

Hotel Management and Sale and Distribution of Liquors (Control) Act, 2023 (1966)

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Amendments:

1. Administration of Justice Act, 2048(1991) 2048.2.16(30 May 1991)
- 2¹. Republic Strengthening and Some Nepal
Laws Amendment Act, 2066(2010) 2066.10.7 (21 Jan. 2010)

Act Number 18 of the year 2023 (1966)

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An Act Made to Manage Hotels and Control Sale and Distribution of Liquors

Preamble: Whereas, it is expedient to manage hotels and control the sale and distribution of liquors in order to maintain the decency, convenience, health and economic interest of the general public;

Now, therefore, His Majesty King Mahendra Bir Bikram Shah Dev has, on the advice and with the consent of the National *Panchayat*, made this Act.

¹ This Act came into force on 15 *Jestha* 2065 (28 May 2008).

² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

1. **Short title, extension and commencement:** (1) This Act may be called as “Hotel Management and Sale and Distribution of Liquors (Control) Act, 2023 (1966).”

(2) It shall extend to the whole of³. Nepal.

(3) It shall come into force immediately.

2. **Definitions:** Unless the subject or context otherwise requires, in this Act:

(a) "Hotel" means any hotel run on commercial basis with provision of settlement facilities, whether there is arrangement for food/snacks or not, and this term includes a restaurant.

(b) “Owner” in relation to a hotel or shop means a person who has the final control over the transactions of the hotel or shop, and this term includes the manager or managing agent, if any, appointed to run such a hotel or shop.

(c) “Customer” means a customer who visits a hotel for food (snacks), whether residing in the hotel or not.

(d) “Liquors” includes all kinds of native or foreign liquors and beer prepared through fermentation of fruits or grains or in any other manner.

(e) “Shop” means an inn shop.

(f) “As prescribed” means as prescribed in the rules framed under this Act.

3. **Control on sale of liquors and offer liquors for consumption by owner of hotel or shop:** (1) The owner of a hotel or shop with provision for consumption of liquors shall, after the commencement of this Act, not sell liquors to any one or offer liquors for consumption by any one at his or

³ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

her hotel or shop before Twelve noon and after one pm in the case of Fridays and after Twelve pm in the case of the other Days.

(2) The owner of a hotel or shop shall not arrange for entertainment or singing and dancing for customers after one pm in the case of Fridays and after Twelve pm in the case of the other Days.

(3) Notwithstanding anything contained in Sub-sections (1) and (2), the Government of Nepal may, by publishing a notice in the Nepal Gazette, as required make alteration in the time set forth in these Sub-sections.

4. Prohibition on demonstration of vulgar or embarrassing entertainment or singing and dancing at hotel:

The owner of a hotel shall not demonstrate such entertainment or singing and dancing as may cause adverse effect on public decency and morality.

5. Duties of owner of hotel: (1) The duties of the owner of a hotel shall be as follows:

- (a) To get down details including the name, citizenship, occupation, date of arrival and address of a customer who visits the hotel.
- (b) To allow a customer other than a customer suffering from an infectious disease to stay in a room if so vacant in the hotel.
- (c) To offer pure and unadulterated food to the customers who visit the hotel at a reasonable price.
- (d) To make security of or look after, or cause to be made security of or looked after, the customers.
- (e) If a customer intends to hand over the custody of goods, cash or other valuable items belonging to the customer,

to take the custody of the same on the condition of returning them to the customer as and when so requested and issue a receipt thereof to the customer.

- (f) To take into consideration of peace and security while selling liquors or offering liquors for consumption.
- (g) To get the hotel to be neat and clean.
- (h) While offering liquors for consumption by a customer, not to so offer the liquors that the customer consumes liquors to lose his or her consciousness or to lose control over himself or herself.
- (i) To arrange that, while offering liquors for consumption, the same is consumed inner side of the hotel.

(2) If the goods of which custody has been taken pursuant to clause (e) of Sub-section (1) is destroyed due to divine act, the owner of hotel shall not be responsible for such goods.

6. **To auction goods belonging to customer:** If a customer leaves his or her goods and goes away without paying the expenses of food and stay at the hotel, the owner of hotel may sell the goods by making an advertisement at a local newspaper by giving a time of Thirty Five days, setting out the details of such goods, full name and address of the customer, after Seven days of so leaving the hotel; and the amount remaining after deduction of the amount receivable and the expenses incurred in the auction sale from the proceeds of auction sale shall be returned to the customer when the customer appears to receive the same.
7. **Prohibition on selling liquors to and offering liquors for consumption by minor and drunk person:** No owner of hotel or shop

may sell liquors or offer liquors for consumption by a minor below Sixteen years of age and one who is already drunk.

8. Prohibition on selling liquors and offering liquors for consumption

at specific hotel or shop and area: Notwithstanding anything contained in Section 3, if the Government of Nepal considers necessary, it may, by publishing a notice in the Nepal Gazette, prohibit the sale of liquors or the offering of liquors for consumption at a hotel, shop and area specified in that notice.

9. Prohibition of entry of costumer who is already drunk:

No owner of hotel or shop may knowingly allow one who is already drunk to enter his or her hotel or shop.

10. Punishment: (1) The prescribed authority may punish the owner of hotel who acts in contravention of Section 3, 5 or 7 or the owner of shop who acts in contravention of Section 3 or 7 with a fine not exceeding Five Thousand Rupees and, if considered necessary, order to close such a hotel or shop.

(2) The prescribed authority may punish the owner of hotel who acts in contravention of Section 4 with a fine not exceeding Five Thousand Rupees and shall order to close the entertainment or singing and dancing being demonstrated or to be demonstrated at the hotel in contravention of the said Section.

(3) The owner of hotel or shop or other person who violates Section 8 or 9 may, by order of the prescribed authority, be punished with imprisonment for a term not exceeding Three months or with a fine not exceeding One Thousand Rupees or with both.

11. **Appeal**: A person who is not satisfied with the punishment awarded pursuant to Section 10 may make an appeal to the Court of Appeal⁴ against the order of the punishment.
12. **Power to frame Rules**: The Government of Nepal may frame Rules to implement the provisions of this Act.
13. **Saving**: The matters provided for herein and the Rules framed hereunder shall be governed by this Act and the Rules, and the other matters shall be governed by the prevailing laws.

⁴ Amended by the Administration of Justice Act, 2048(1991).