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புரீ (ஸ...) ர...
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19..... ஆம் ஆண்டு..... இலக்க
மா... நிதி (திருத்த) நியதிச்சட்டம்.

A STATUTE TO AMEND THE FINANCE STATUTE OF THE PROVINCE

Central Province NO 01 OF 1992

A STATUTE TO AMEND THE FINANCE STATUTE OF THE *Central* PROVINCE No...01... OF ...1992...

Be it enacted by the Provincial Council of ~~CENTRAL~~ Province of the Democratic Socialist Republic of Sri Lanka as follows :-

Short title.

1. This Statute may be cited as the Finance (Amendment) Statute of the Province, No...01... of ...1992...

Amendment of Section 11 of the Finance Statute of the Province No. 17... of 1990.

2. Section 11 of the Finance Statute of the Province, No...17... of ...1990... (hereinafter referred to as "the principal Statute") is hereby amended by the addition of the following proviso at the end of that section:-

"Provided, however, that where the turnover of any business for any previous quarter exceeds one million rupees, the turnover tax payable for the ^{previous} ~~succeeding~~ quarter may be paid in the following manner:-

- (a) one-third of the turnover tax payable for the previous quarter, not later than the fifteenth day of the second month in the succeeding quarter;
(b) another one-third of the turnover tax payable for the previous quarter, on or before the fifteenth day of the third month in the succeeding quarter;
(c) the balance of the turnover tax payable for the succeeding quarter, not later than the fifteenth day of the month following the end of that quarter "

Amendment of section 37 of the principal Statute.

3. Section 37 of the principal Statute is hereby amended in paragraph (c) thereof by the substitution for the words "every transfer" of the words "every instrument of transfer "

Amendment of section 39 of the principal Statute.

4. Section 39 of the principal Statute is hereby amended in paragraph (5) thereof, by the substitution for subparagraph (f) of the following subparagraph :-

"(f) all documents filed by or on behalf of any person who is certified by the Administrator of the Legal Aid Scheme approved under the Legal Aid Law, No.27 of 1978 or any officer duly authorized by him in that behalf as suing, defending or intervening with legal aid provided under the said Legal Aid Law; "

Amendment of section 40 of the principal Statute.

5. Section 40 of the principal Statute is hereby amended in subsection (2) thereof by the repeal of the following words:-

"provided that in every such case the notary attesting the instrument shall certify on the deed the reasons therefor".

Amendment of section 41 of the principal Statute.

6. Section 41 of the principal Statute is hereby amended in subsection (3) thereof by the substitution for the words "has been cancelled in the manner set out in ", of the words "has not been cancelled in the manner set out in ".

Insertion of a new section 43A in the principal Statute.

7. The following new section is hereby inserted immediately after section 43, and shall have effect as section 43A, of the principal Statute:-

"Stamp duty in respect of property situated within more than one Province.

43A. Where an instrument relates to -

- (a) a transfer of any immovable property, a part of which is situated within the limits of the Province and the other part within the limits of any one or more of the other Provinces, such instrument shall be deemed to be duly stamped in respect of such property, if such instrument is stamped either with the stamp duty chargeable thereon under this Statute, and in the manner provided therein, or with the stamp duty chargeable thereon under the Finance Statute of the other Province or Provinces, as the case may be, within the limits of which the other part of such property, is situated, and in the manner provided in that Statute; or
- (b) a transfer of immovable properties one of which is, or more than one of which are, situated within the limits of the Province and the other property or properties within the limits of one or more of the other Provinces, such instrument shall be deemed to be duly stamped in respect of such property

If such instrument is stamped either with the stamp duty chargeable thereon under this Statute, and in the manner provided therein, or with the stamp duty chargeable thereon under the Finance Statute of the other Province or Provinces, as the case may be within the limits of which the other property or properties are situated, and in the manner provided in that Statute."

Amendment of section 45 of the principal Statute.

8. Section 45 of the principal Statute is hereby amended by the substitution for the words "stamps to the value of two rupees" of the words "stamps to the value of one rupee or such stamp duty of one rupee may be paid to a prescribed bank in the manner set out in subsection (2) of section 40."

Amendment of section 46 of the principal Statute.

9. Section 46 of the principal Statute is hereby amended-

- (a) in subsection (1) thereof by the substitution for the words "any court instituted in any such court on the following conditions", of the words "any court in proceedings instituted in such court subject to the following conditions"; and
- (b) in subsection (2) thereof by the substitution for the words " payment of such stamp duty has been compounded in accordance with this section" of the words, "payment of such stamp duty has been compounded in accordance with this section and thereafter such document shall be deemed to be duly stamped."

Amendment of section 47 of the principal Statute.

10. Section 47 of the principal Statute is hereby amended in subsection (1) thereof by the substitution for the words " otherwise provided in this any other enactment" of the words "otherwise provided in this Statute or any other enactment.

Amendment of section 50 of the principal Statute.

11. Section 50 of the principal Statute is hereby amended by the substitution for the words " would chargeable" of the words "would be chargeable".

(Contd...)

Amendment of section 51 of the principal Statute.

12. Section 51 of the principal Statute is hereby repealed and the following section substituted therefor :-

"Duty by whom payable."

51. Except where there is an agreement to the contrary, stamp duty shall be payable-

- (a) in the case of an instrument of transfer, by the grantee; and
- (b) in the case of any other instrument, by the person drawing, making or executing that instrument."

Amendment of section 52 of the principal Statute.

13. Section 52 of the principal Statute is hereby amended in subsection (4) thereof, by the substitution for the words "things as such deceased person would be chargeable", of the words "things as such deceased person would be liable to do under this Statute if he were alive and shall be chargeable".

Amendment of section 63 of the principal Statute.

14. Section 63 of the principal Statute is hereby amended by the substitution for the words "which it relates is chargeable as relieved from", of the words "which it relates is chargeable be relieved from".

Amendment of section 64 of the principal Statute.

15. Section 64 of the principal Statute is hereby amended in subsection (2) thereof by the substitution for the words "otherwise and may be acted upon and registered as it had been originally duly stamped;" of the words "otherwise and may be acted upon and registered as if it had been originally duly stamped".

Insertion of a new subsection in section 65 of the principal Statute.

16. Section 65 of the principal Statute is hereby amended by the insertion of the following new subsection immediately after subsection (3) thereof:-

"(4) For the purposes of this section, the expression "stamp" includes an adhesive stamp, an impressed stamp or a certificate of payment of stamp duty issued under section 40 (2)."

Insertion of a new subsection in section 66 of the principal Statute.

17. Section 66 of the principal Statute is hereby amended by the insertion of the following new subsection immediately after subsection (2) thereof:-

"(3) For the purposes of this section, the expression "stamp" includes an adhesive stamp, an impressed stamp or a certificate of payment of stamp duty issued under section 40 (2)."

Amendment of section 68 of the principal Statute.

18. Section 68 of the principal Statute is hereby amended-
- (a) by the renumbering of section 68 as section 68 (1); and
 - (b) by the insertion immediately after the renumbered subsection of the following new subsection.

"(2) For the purposes of subsection (1), the expression "stamp" includes an adhesive stamp, an impressed stamp, or a certificate of payment of stamp duty issued under section 40(

Amendment of section 73 of the principal Statute

19. Section 73 of the principal Statute is hereby amended in subsection (7) thereof by the substitution for the words and figure "subsection 5 a notice or assessment shall not be " of the words and figure "subsection (6) a notice or assessment shall not be ".

Amendment of section 78 of the principal Statute.

20. Section 78 of the principal Statute is hereby amended -
- (a) by the repeal of subsection (4) thereof and substitution of the following subsection therefor:-

"(4) When stamp duty is paid on an instrument in the manner set out in subsection (2) or (3) of section 40 the Notary Public who attests such instrument shall certify in his attestation that the certificate of payment issued by the bank under subsection (2) of section 40 has been duly affixed to the duplicate of such instrument or that such instrument has been endorsed by the Commissioner in the manner set out in subsection (3) of section 40; and

- (b) by the insertion of the following new subsection as subsection (5) immediately after subsection (4) thereof :-

"(5). An instrument or document which is chargeable with stamp duty under this Statute and which was duly stamped during the period 1st January 1991 to the date on which this Statute comes into force either in accordance with the provisions of the Stamp Duty Act, No.43 of 1982 or in accordance with the provisions of this Statute shall be deemed to be duly stamped."

Amendment of Chapter XXXI of the principal Statute.

21. The caption of Chapter XXXI of the principal Statute is hereby amended by the substitution for the words "COURT FINES" of the words "COURT FINES AND FEES".

Replacement of section 99 of the principal Statute.

22. Section 99 of the principal Statute is hereby repealed and the following sections substituted therefor:-

Court fines and fees.

99(1). All fines in respect of offences imposed by a court of law exercising jurisdiction within the Province and paid into court, other than fines imposed for the recovery of tax, charges or other levies under any written law, shall, subject to any direction which a court of law may make with regard to any payment to be made out of such fines in terms of any written law, be credited to the Provincial Fund of the Province.

(2) All fees collected by a court of law exercising jurisdiction within the Province shall be credited to the Provincial Fund of the Province.

Amendment of section 103 of the principal Statute.

23. Section 103 of the principal Statute is hereby amended by the substitution for the words "prescribe" and "prescribed" of the words "specify" and "specified" respectively.

Insertion of a new section 104A. in the principal Statute.

24. The following new section is hereby inserted immediately after section 104, and shall have effect as section 104A, of the principal Statute.

"Establishment of a Provincial Incentive Fund."

104A. (1) There shall be established a fund called the Provincial Revenue Incentive Fund(hereinafter referred to as "the Fund").

(2) There shall be paid into the Fund such sums in respect of the year commencing on January 1st 1991 as may be caused to be laid before the Provincial Council by way of a supplementary grant and thereafter, as may be appropriated annually by the Provincial Council for the purpose of the Fund.

(3) There shall be paid out of the Fund-

(a) all sums required for the welfare of officers of the Provincial Revenue Department in accordance with any scheme approved by the Ministry; and

(b) incentive allowances to officers of the Provincial Revenue Department in accordance with such scheme as may be approved by the Minister of to ensure

efficiency in the administration of any Statute administered by the Commissioner.

(4) The Commissioner or any Officer of the Provincial Revenue Department specially authorized by him in that behalf shall administer the Fund in accordance with the prescribed procedure."

Amendment of the Sinhala text of the principal Statute.

25. The Sinhala text of ^{the} Finance Statute entitled "....." is hereby amended by the ^{substitution} for the word "....." of the word "....." wherever it occurs.

Amendment of section 106 of the principal Statute.

26. Section 106 of the principal Statute is hereby amended as follows :-

- (a) by the substitution for the words "this Act" of the words "this Statute";
- (b) in the definition of "adhesive stamp" by the substitution for the expression "section 67 (1)" of the expression "section 76 (1)";
- (c) in the definition of "Assessor" by the substitution for the words "that Act" of the words "this Statute";
- (d) in the definition of "authorized representative"-
 - (i) by the substitution for the word "Act" in paragraph (1) thereof of the word "Statute"; and
 - (ii) by the repeal of paragraph (2) thereof and substitution of the following paragraph therefor:-

"(2).who is authorized in writing from time to time by a person to act on his behalf for the purposes of this Statute in respect of such matters as are specified in the authorization and who, being an individual registered as an auditor under the Companies (Auditors) regulations, is approved by the Commissioner or is an individual approved by the Commissioner General of Inland Revenue for the purposes of the Inland Revenue Act, No.28 of 1979 under regulations made under that Act in that behalf";

- (e) in the definition of "chargeable" by the substitution for the words "in relation to an instrument executed" of the words "in relation to an instrument executed or";
- (f) in the definition of "die" by ^{the} substitution ^{of} ~~of~~ the words "includes any plate, type, tool or implement a" ~~and~~ of the words "includes any plate, type, tool or implement or a" therefor;
- (g) in the definition of "document" by the substitution for all the words from "recognizance", to the end of that definition, of the words " or recognizance";
- (h) in the definition of "duly stamped" by the substitution for the words "stamp or a certificate of endorsement of not less" of the words "stamp or a certificate of endorsement or has been affixed thereto a certificate of payment of not less" ;
- (i) in the definition of "instrument" by the substitution for all the words from the word "includes" to the word "recorded" of the following words:-
"includes every document relating to a transfer of immovable property in the Province or a transfer of a motor vehicle affected in the Province ";
- (j) in the definition of "person", by the addition of the words " or any Government Department" immediately after the words "body of persons";
- (k) in the definition of "power of attorney" by the substitution for the words " a specified person to act for and of the person" of the words " a specified person to act for and in the name of the person";
- (l) by the insertion of the following new definition immediately after the definition of "Quarter":-
"Transfer" means a sale and includes a gift or an exchange or a conveyance of a property, without consideration, by an executor or an administrator of an estate of a deceased to a person beneficially entitled to such property or to a trustee appointed under the will of the deceased, or by a trustee to a beneficiary or a conveyance, without consideration, by a trustee or the executor or administrator of a deceased trustee to a surviving trustee or to a new

trustee but does not include a deed of partition of any land held in common or an agreement to transfer; and

(m) by the insertion of the following new definition immediately after the definition of "Trustee" thereof;

"value" with reference -

(a) to any property (other than immovable property which is gifted) and to any date, means the price which in the opinion of the Assessor, that property would have fetched in the open market on that date;

(b) to any immovable property which is gifted, being immovable property which was acquired by the donor on or before March 31, 1977 means-

(i) the price which, in the opinion of the Assessor, that property would have fetched if sold in the open market on March 31, 1977 increased by an amount equal to the cost of the improvements, alterations and additions, if any, made to such property after March 31, 1977 and prior to the date of the instrument by which such property is gifted; or

(ii) the price which, in the opinion of the Assessor, that property would have fetched if sold in the open market on the date of the instrument by which such property is gifted;

whichever price is the lower;

(c) to any immovable property which is gifted, being immovable property which was acquired by the donor after March 31, 1977 means -

(i) the price which, in the opinion of the Assessor, that property would have fetched if sold in the open market on the date on which such property was acquired by the donor, increased by an amount equal to the cost of the improvements, alterations and additions, if any, made to such property after the date on which the property was acquired by the donor, and prior to the date of the instrument by which such property is gifted; or

(ii) the price which, in the opinion of the assessor, that property would have fetched, if sold in the open market on the date of the instrument by which such property was gifted,

whichever price is the lower."

Sinhala text
to prevail in
the event of
an
inconsistency.

26. In the event of an inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.