



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SURCHARGE ON INCOME TAX
(AMENDMENT)
ACT, No. 28 OF 1993

[Certified on 16th July, 1993]

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Surcharge on Income Tax (Amendment)

Act, No. 28 of 1993

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L. D.—C 37/92

**AN ACT TO AMEND THE SURCHARGE ON INCOME TAX
ACT, No. 7 OF 1989**

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Surcharge on Income Tax (Amendment) Act, No. 28 of 1993. Short title.

2. The long title to the Surcharge on Income Tax Act, No. 7 of 1989 (hereinafter referred to as the "principal enactment") is hereby amended by the substitution, for the words and figures "YEARS OF ASSESSMENT COMMENCING RESPECTIVELY ON APRIL 1, 1989, ON APRIL 1, 1990, ON APRIL 1, 1991 AND ON APRIL 1, 1992", of the words and figures "YEARS OF ASSESSMENT COMMENCING RESPECTIVELY ON APRIL 1, 1989, ON APRIL 1, 1990, ON APRIL 1, 1991, ON APRIL 1, 1992 AND ON APRIL 1, 1993". Amendment
of long
title
to Act,
No. 7 of
1989.

3. Section 2 of the principal enactment is hereby amended by the substitution, for the words and figures "but ending not later than March 31, 1993," of the words and figures "but ending not later than March 31, 1994,". Amendment
of
section 2
of the
principal
enactment.

4. Section 3 of the principal enactment is hereby amended as follows:— Amendment
of
section 3
of the
principal
enactment.

(1) in paragraph (iii) of that section, by the substitution, for the words and figures "relevant year commencing on April 1, 1991; and", of the words and figures "relevant year commencing on April 1, 1991;";

(2) in paragraph (iv) of that section, by the substitution, for the words and figures "relevant year commencing on April 1, 1992.", of the words and figures "relevant year commencing on April 1, 1992; and";

(3) by the addition, immediately after paragraph (iv) of that section, of the following paragraph:—

"(v) (a) not less than fifty *per centum*, on or before August 15, 1993; and

(b) the balance on or before November 15, 1993,

of the amount of the surcharge payable by him for the relevant year commencing on April 1, 1993."

Amendment
of
section 4
of the
principal
enactment.

5. Section 4 of the principal enactment is hereby amended as follows:—

(1) in paragraph (c) of that section, by the substitution for the words "from the remuneration of that employee for that year; and", of the words "from the remuneration of that employee for that year;"

(2) in paragraph (d) of that section, by the substitution, for the words "from the remuneration of that employee for that year," of the words "from the remuneration of that employee for that year; and"; and

(3) by the insertion, immediately after paragraph (d) of that section, of the following paragraph:—

"(e) for the relevant year commencing on April 1, 1993—

(i) from the remuneration payable to such employee for the month of July, 1993, $7\frac{1}{2}$ per centum; and

(ii) from the remuneration payable to such employee for the month of October, 1993, $7\frac{1}{2}$ per centum,

of the total income tax deductible from the remuneration of that employee for that year,".

Amendment
of
section 5
of the
principal
enactment.

6. Section 5 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution, for paragraph (ii) of the proviso to that subsection, of the following paragraph:—

"(ii) where any person who is liable to pay the surcharge under this Act, for a relevant year pays as such surcharge—

(a) for the relevant year commencing on April 1, 1989—

(i) not less than $7\frac{1}{2}$ per centum on or before August 15, 1989, and

(ii) not less than $7\frac{1}{2}$ per centum on or before November 15, 1989,

of the income tax payable by him under the Inland Revenue Act, for the year of assessment commencing on April 1, 1988 ;

(b) for the relevant year commencing on April 1, 1990—

(i) not less than $7\frac{1}{2}$ per centum on or before August 15, 1990, and

(ii) not less than $7\frac{1}{2}$ per centum on or before November 15, 1990.

of the income tax payable by him under the Inland Revenue Act, for the year of assessment commencing on April 1, 1989 ;

(c) for the relevant year commencing on April 1, 1991—

(i) not less than $7\frac{1}{2}$ per centum on or before August 15, 1991, and

(ii) not less than $7\frac{1}{2}$ per centum on or before November 15, 1991,

of the income tax payable by him under the Inland Revenue Act, for the year of assessment commencing on April 1, 1990 ;

(d) for the relevant year commencing on April 1, 1992—

(i) not less than $7\frac{1}{2}$ per centum on or before August 15, 1992, and

(ii) not less than $7\frac{1}{2}$ per centum on or before November 15, 1992,

of the income tax payable by him under the Inland Revenue Act, for the year of assessment commencing on April 1, 1991 ;

(e) for the relevant year commencing on April 1, 1993—

(i) not less than $7\frac{1}{2}$ per centum on or before August 15, 1993, and

(ii) not less than $7\frac{1}{2}$ per centum on or before November 15, 1993,

of the income tax payable by him under the Inland Revenue Act, for the year of assessment commencing on April 1, 1992,

such person shall not be liable to any penalty under this section, in respect of the payments he is required to make under section 3 if he pays the excess of the surcharge payable by him for that relevant year over the amount paid by him, on or before—

November 30, 1990, in the case of the relevant year commencing on April 1, 1989,

November 30, 1991, in the case of the relevant year commencing on April 1, 1990,

November 30, 1992, in the case of the relevant year commencing on April 1, 1991,

November 30, 1993, in the case of the relevant year commencing on April 1, 1992; and

November 30, 1994, in the case of the relevant year commencing on April 1, 1993.”.

Amendment
of
section 8
of the
principal
enactment.

7. Section 8 of the principal enactment is hereby amended as follows:—

(1) by the substitution for the words “non-resident company”, “person”, “profits and income”, of the words “non-resident company”, “profits and income”;;

(2) by the substitution, in paragraph (v) of the definition of “income tax”, for the words, “by that person for that relevant year; and”, of the words, “by that person for that relevant year;”.

(3) by the substitution, in the definition of, “Inland Revenue Act”, for the words and figures, “means the Inland Revenue Act, No. 28 of 1979;”, of the words and figures “means the Inland Revenue Act, No. 28 of 1979; and”;

(4) by the addition, immediately after the definition of "Inland Revenue Act", of the following definition ;

"person" includes a company or body of persons or any government, but does not include the Central Bank of Sri Lanka ;

8. The amendment to section 8 of the principal enactment, made by section 7(4) of this Act, shall be deemed for all purposes to have come into force on April 1, 1989.

Restrospective effect.

9. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency

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