



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

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SURCHARGE ON INCOME TAX  
(AMENDMENT)  
ACT, No. 23 OF 1994

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[Certified on 27th December, 1994]

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**Surcharge on Income Tax (Amendment)  
Act, No. 23 of 1994**

[Certified on 27th December, 1994]

L. D.—C 75/93

**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. 23 of 1994. 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, ON APRIL 1, 1992 AND ON APRIL 1, 1993", 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, ON APRIL 1, 1993 AND ON APRIL 1, 1994". 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, 1994", of the words and figures "but ending not later than March 31, 1995". Amendment of section 2 of the principal enactment

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

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

(2) in paragraph (v) of that section, by the substitution, for the words and figures "relevant year commencing on April 1, 1993", of the words and figures "relevant year commencing on April 1, 1993; and"; and

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

"(vi) (a) not less than fifty per centum, on or before August 15, 1994; and

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**((b) the balance, on or before November 15, 1994,**

**of the amount of the surcharge payable by him for the relevant year commencing on April 1, 1994".**

Amendment  
of section  
4 of the  
principal  
enactment.

**5. Section 4<sup>1</sup> of the principal enactment is hereby amended as follows:—**

**(1) in paragraph (d) 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 (e) 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 (e) of that section, of the following paragraph:—**

**"(f) for the relevant year commencing on April 1, 1994—**

**(i) from the remuneration payable to such employee for the month of July, 1994,  
 $7\frac{1}{2}$  per centum; and,**

**(ii) from the remuneration payable to such employee for the month of October, 1994,  $7\frac{1}{2}$  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 repeal of paragraph (ii) of the proviso to that subsection, and the substitution therefor 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 7½ per centum on or before August 15, 1989, and

(ii) not less than 7½ 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 7½ per centum on or before August 15, 1990, and

(ii) not less than 7½ 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 7½ per centum on or before August 15, 1991, and

(ii) not less than 7½ 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 7½ per centum on or before August 15, 1992, and

(ii) not less than 7½ 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 7½ per centum on or before August 15, 1993, and

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(ii) not less than 7½ 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;

(f) for the relevant year commencing on April 1, 1994—

(i) not less than 7½ per centum on or before August 15, 1994, and

(ii) not less than 7½ per centum on or before November 15, 1994,

of the income tax payable by him under the Inland Revenue Act, for the year of assessment commencing on April 1, 1993,

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,

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

November 30, 1995, in the case of the relevant year commencing on April 1, 1994".

**Amendment  
of section  
8 of the  
principal  
enactment**

7. Section 8 of the principal enactment is hereby amended by the repeal of paragraph (i) of the definition of "income tax" and the substitution therefor of the following paragraph:—

"(i) in relation to a resident company—

- (a) for any relevant year commencing prior to April 1, 1993, means the income tax payable under paragraph (a) of subsection (1) of section 33 of the Inland Revenue Act, by that company for that relevant year ; and
- (b) for the relevant year commencing on April 1, 1993, means the income tax payable under the Inland Revenue Act, by that company for that relevant year, after deducting therefrom the aggregate of—
  - (i) any income tax payable by that company for that year under paragraph (b) of subsection (1) of section 33, and
  - (ii) any relief granted under section 82 or section 83 and any deduction allowed under section 85A,  
of that Act. ”.

8. 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 incon-  
sistency.

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