



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**VALUE ADDED TAX (AMENDMENT)
ACT, No. 25 OF 2018**

[Certified on 16th of August, 2018]

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Value Added Tax (Amendment)
Act, No. 25 of 2018

[Certified on 16th of August, 2018]

L.D.—O. 70/2016

AN ACT TO AMEND THE VALUE ADDED TAX ACT, NO. 14 OF 2002.

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

1. This Act may be cited as the Value Added Tax (Amendment) Act, No. 25 of 2018. Short title.

2. Section 5 of the Value Added Tax Act, No. 14 of 2002 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (15) thereof, by the substitution for the words “dialysis and, services provided by the Out Patients Department but excluding medical consultation services;” of the words “dialysis, any healthcare services provided by the Out Patients Department health care of any medical institution or professionally qualified person providing such care and medical consultation services:”.

Amendment of section 5 of Act, No.14 of 2002.

3. Section 22 of the principal enactment is hereby amended in paragraph (a) of the first proviso to subsection (1) thereof, by the substitution for the words starting from “shall be” and ending with the words “within Sri Lanka” of the following:-

Amendment of section 22 of the principal enactment.

“shall be—

- (i) rupees twenty five for each such garment, for any period commencing prior to November 1, 2016;
- (ii) rupees seventy five for each such garment, for any period commencing on or after November 1, 2016 but

ending on or immediately after the date of commencement of this (Amendment) Act;

- (iii) rupees seventy five for each such garment other than panties, socks, briefs and boxer shorts identified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes, for any period commencing on or after the date of commencement of this (Amendment) Act;
- (iv) rupees seventy five for six pieces of panties, socks, briefs and boxer shorts, identified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes, for any period commencing on the date of commencement of this (Amendment) Act,

supplied within Sri Lanka.”.

Amendment of section 25A of the principal enactment.

4. Section 25A of the principal enactment is hereby amended in paragraph (iv) of subsection (1) thereof, by the substitution for the words and figures “established by the Monetary Law Act, (Chapter 422) (with effect from July 1, 2003)” of the words and figures “established by the Monetary Law Act, (Chapter 422) (with effect from July 1, 2003), or the Sri Lanka Deposit Insurance Scheme established by regulation made under the said Act, (with effect from April 1, 2018)”.

Amendment of section 25c of the principal enactment.

5. Section 25c of the principal enactment is hereby amended in subsection (3) thereof as follows:—

- (1) in paragraph (e) of that subsection, by the substitution for the words and figures “(e) commencing from

January 1, 2015, but prior to May 2, 2016” of the words and figures “(e) commencing from January 1, 2015 but prior to May 2, 2016 and commencing from July 12, 2016 but prior to November 1, 2016”;

- (2) in paragraph (f) of that subsection, by the substitution for the words and figures “(f) commencing from May 2, 2016” of the words and figures “(f) commencing from May 2, 2016, but prior to July 12, 2016 and commencing from November 1, 2016”.

6. The following new section is hereby inserted immediately after section 58 of the principal enactment and shall have effect as section 58A of that enactment:—

Insertion of new section 58A in the principal enactment.

“Refund of tax to tourists.

58A. (1) From such date as shall be determined by the Minister by Order published in the *Gazette*, where a tourist has proved by a claim in writing in the specified form to the satisfaction of the Commissioner-General of Inland Revenue or any person authorized by him in writing in that behalf,—

- (a) that such tourist has purchased any specified goods in Sri Lanka as shall be prescribed, from an authorized retailer;
- (b) that the value of such goods are in excess of the minimum value as shall be prescribed; and
- (c) that such tourist has paid the tax on such purchases as per the tax invoice as specified by the Commissioner-General of Inland Revenue and issued to him by such authorized retailer,

such tourist shall if he produces the relevant goods to the authorized person for inspection

at the point of departure and if such goods are being removed from Sri Lanka at the time of his departure from Sri Lanka, the Commissioner-General of Inland Revenue or the authorized person may on being satisfied with the facts specified in paragraphs (a), (b) and (c), refund or make necessary arrangements to refund to such tourist such amount of the tax paid, on the basis of a refund scheme as shall be prescribed, at the time of such removal of goods from Sri Lanka.

(2) any authorized retailer who violates any conditions subject to which his registration is made commits an offence and shall on conviction after summary trial before a Magistrate be liable to a fine of rupees One Hundred Thousand and to the cancellation of his registration.

(3) For the purposes of this section—

- (a) “authorized retailer” means any registered person who has been issued with a certificate of registration as an authorized retailer by the Commissioner-General of Inland Revenue on the application made to him or any person authorized by the Commissioner-General of Inland Revenue in that behalf, to register under this Act as an authorized retailer on the fulfilment of the conditions as specified by the Commissioner-General of Inland Revenue;

- (b) “tourist” means any individual who is not a citizen of Sri Lanka or resident in Sri Lanka and who is not less than eighteen years old as at the date of first day of his visit to Sri Lanka, and stays in Sri Lanka for less than ninety days on a visitor Visa issued by the Controller of Immigration and Emigration.”.

7. The First Schedule to the principal enactment is hereby amended in PART II thereof as follows:—

Amendment of
the First
Schedule to the
principal
enactment.

(1) in paragraph (a) of that PART—

(a) by the repeal of item (i) and the substitution therefor of the following:—

“(i) wheat, wheat flour or infant milk powder with effect from November 1, 2016”;

(b) by the substitution, in item (iv) for the words “Aircrafts, Helicopters,” of the words and figures “Aircrafts or Helicopters, [prior to the date of commencement of this (Amendment) Act];

(c) by the repeal of item (v) and the substitution therefor of the following:—

“(v) books (other than cheque books, periodicals, magazines, newspapers, diaries, ledger books and exercise books), for any period prior to November 11, 2016;

books, magazines, jouranals or periodicals (other than newspapers)

for any period on or after November 11, 2016 identified under the Harmonized Commodity Description and Coding System Numbers for Custom purposes; and

unused postage and revenue stamps of the Government of the Democratic Socialist Republic of Sri Lanka or of a Provincial Council;”;

(d) in item (xxii) of that paragraph–

- (i) by the substitution in sub-item (i) for the words “sunglasses” of the words and figures “sunglasses [prior to the date of commencement of this (Amendment) Act]”;
- (ii) by the substitution in sub-item (iv) for the words “wood (sawn)” of the words and figures “wood (sawn) [prior to the date of commencement of this (Amendment) Act]”;
- (iii) by the substitution in sub-item (v) for the words and figures “Sri Lanka Export Development Act, No. 40 of 1979” of the words “Sri Lanka Export Development Act, No.40 of 1979 [prior to the date of commencement of this (Amendment) Act]”;
- (iv) by the repeal of sub-item (vii) and the substitution therefor of the following:–

“(vii) energy saving bulbs, for any period with effect from January 1, 2017 and raw material for the manufacture of energy saving bulbs;”;

- (e) by the addition immediately after item (xxvi), of the following:–

“(xxvii) plants, machinery or accessories for renewable energy generation identified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes with effect from November 11, 2016;

(xxviii) electrical goods identified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes with effect from November 1, 2016;

(xxix) medical machinery or medical equipment identified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes with effect from November 11, 2016;

(xxx) hot air balloons identified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes with effect from January 1, 2017.”.

- (2) (a) in item (xi) of paragraph (b) of that PART–

- (i) in sub-item (b), by the substitution for the words and figures “on or after November 1, 2016 by any person” of the words and figures “on or after November 1, 2016 but prior to the date of commencement of this (Amendment) Act by any person”;

- (ii) by the addition immediately after sub-item (b), of the following new sub-item:–

“(c) if such supply has taken place on or after April 1, 2019, other than any lease or rent by any person, and where such supply-

(i) is not relating to a sale of any condominium housing unit;
or

(ii) is a supply of a condominium housing unit of a condominium housing project and the maximum price or the market value (whichever is higher) of any single unit of that project does not exceed rupees fifteen million.”;

- (b) by the repeal of item (xii) and the substitution therefor of the following:–

“(xii)(a) all healthcare services provided by medical institutions or professionally qualified persons providing such care, prior to May 2, 2016 and for the period commencing from July 11, 2016, but ending on or before November 1, 2016;

(b) on or after the date of commencement of this (Amendment) Act, all healthcare services provided by medical institutions or professionally qualified persons providing such care other than hospital room charges.”;

- (c) by the repeal of item (xxx) and the substitution therefor of the following:—

“(xxx) locally manufactured jewellery, prior to November 1, 2016 and for any period from November 22, 2016.”;

- (d) by the insertion immediately after item (L) of the following:—

“(Li) geriatric services or child care services;

(Lii) international telecommunication services provided by “External Gateway Operators” to local telecommunication operators.”.

- (3) in paragraph (c) of that PART,—

- (a) by the substitution in item (xx) for the words and figures “purposes (effective from 17.7.2007)” of the words and figures “purposes [effective from 17.7.2007, but prior to the date of commencement of this (Amendment) Act]”;

- (b) by the substitution in item (xxviii) for the words and figures “cinematographic cameras and projector parts and accessories” of the words “cinematographic cameras, projector parts and accessories, prior to the date of commencement of this (Amendment) Act”;

- (c) by the substitution in item (xxix) for the words and figures “(with effect from January 1, 2011)” of the words and figures “[with effect from January 1, 2011, but prior to the date of commencement of this (Amendment) Act]”;

- (d) by the substitution in item (xxxiii) for the words “agricultural products or plants of any type” of the words and figures “agricultural products or plants of any type, prior to the date of commencement of this (Amendment) Act”; and
- (e) by the substitution in item (xxxvi) for the words “fabric, specified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes” of the words and figures “fabric, specified under the Harmonized Commodity Description and Coding System Numbers for Custom Purposes, prior to the date of commencement of this (Amendment) Act”.

Sinhala text to prevail in case of inconsistency.

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

