



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

**VALUE ADDED TAX (AMENDMENT)
ACT, No. 32 OF 2023**

[Certified on 13th of December, 2023]

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L.D.-O. 56/2022

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: -

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| <p>1. This Act may be cited as the Value Added Tax (Amendment) Act, No. 32 of 2023.</p> | <p>Short title</p> |
| <p>2. Section 22 of the Value Added Tax Act, No. 14 of 2002 (hereinafter in this Act referred to as the “principal enactment”) is hereby amended as follows: -</p> <p>(1) in subsection (6) of that section, by the repeal of the first proviso to that subsection and the substitution thereof of the following: -</p> | <p>Amendment of section 22 of Act, No.14 of 2002</p> |

“Provided that, notwithstanding the provisions of subsection (2) and the exemptions specified in-

- (a) item (i) and item (ii) of paragraph (f) of Part II of the First Schedule to this Act, for the period prior to the date of commencement of this (Amendment) Act; or
- (b) item (xxv) and item (xxvi) of paragraph (b) of Part III of the First Schedule to this Act, for any period on or after the date of commencement of this (Amendment) Act.

any registered person who is engaged in
supplying of goods or services to any

Strategic Development Project identified under subsection (4) of section 3 of the Strategic Development Project Act, No. 14 of 2008 or any special project identified by the Minister under item (ii) of paragraph (f) of Part II of the First Schedule to this Act or item (xxvi) of paragraph (b) of Part III of the First Schedule to this Act may be allowed to claim the input tax on the purchase of goods or services connected to supply of goods or services made to such projects.”;

- (2) in subsection (10) of that section, by the repeal of the third proviso to that subsection and the substitution therefor of the following: -

“Provided further, for the purpose of ascertainment of the input tax allowable under this subsection to any person who is supplying goods or services to any Strategic Development Project identified under subsection (4) of section 3 of the Strategic Development Project Act, No. 14 of 2008 or any special project identified by the Minister under item (ii) of paragraph (f) of Part II of the First Schedule to this Act or item (xxvi) of paragraph (b) of Part III of the First Schedule to this Act-

- (a) for the period prior to the date of commencement of this (Amendment) Act, specified in item (i) and item (ii) of paragraph (f) of Part II of the First Schedule to this Act; or

- (b) for any period on or after the date of commencement of this (Amendment) Act, specified in item (xxv) and item (xxvi) of paragraph (b) of Part III of the First Schedule to this Act,

the value of the supply of the suppliers for the relevant period of such project shall be deemed to be a taxable supply on which the output tax is computed.”.

3. Section 83 of the principal enactment is hereby amended, by the insertion immediately after the expression “manufacture” of the following expression:-
- Amendment of section 83 of the principal enactment

““Minister” means the Minister assigned the subject of Finance in terms of Article 44 or 45 of the Constitution;”;

4. 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 the Heading of that PART, by the substitution for the words and figures “For any taxable period commencing on or after January 1, 2004 (subject to effective dates specified in subsequent amendments to the Schedule).”, of the words and figures “For any taxable period commencing on or after January 1, 2004 (subject to effective dates specified in subsequent amendments to the Schedule) but ending prior to January 1, 2024.”; and
- (2) by the addition immediately after paragraph (m) of that PART of the following new PART: -

“PART III

For any taxable period commencing on or after January 1, 2024-

(a)	The supply or import of-	
	(i)	wheat and wheat flour;
	(ii)	infant milk powder;
	(iii)	pharmaceutical products, drugs (other than cosmetics), the end use of which are confined to therapeutic or prophylactic effect and purchased on a prescription of a physician and raw materials for the production or manufacture of such products or drugs;
	(iv)	ayurvedic preparations belonging to the ayurveda pharmacopoeia or ayurvedic preparations (other than cosmetic preparations) or unani, siddha or homeopathic preparations (other than cosmetic preparations) identified under the Harmonized Commodity Description and Coding System Numbers for Custom purposes and raw materials for such preparations, with the recommendation of the Commissioner for Ayurveda appointed under section 3 of the Ayurveda Act, No. 31 of 1961;
	(v)	crude petroleum oil, kerosene, aviation fuel, oil for ships or Fuel oil specified under the Harmonized Commodity Description Number 2710.19.60 for Custom purposes;
	(vi)	artificial limb, crutches, wheel chairs, hearing aids, accessories for such aids or appliances which are worn or carried or implanted in the human body to compensate for a defect or disability, white canes for the blind, braille typewriters and

		parts, braille writing papers, braille writing boards and any other articles which are used by disabled persons which are approved by the Minister taking into consideration the degree of relief requested by such persons, on an application made for that purposes;
	(vii)	bio fertilizer, artemia eggs and peat moss, classified under the Harmonized Commodity Description and Coding System Numbers for Custom purposes;
	(viii)	agricultural seeds, agricultural plants, shrimp feed inclusive of prawn feed and animal feed but excluding poultry feed;
	(ix)	yarn used for textile industry as identified under the Harmonized Commodity Description and coding System Numbers for Custom purposes;
	(x)	dyes used for the handloom industry as identified under the Harmonized Commodity Description and coding System Numbers for Custom purposes.
(b)	The supply of-	
	(i)	educational services provided by any person or partnership;
	(ii)	Public passenger transport services (other than air transport, water transport or transport of tourists, excursion tours and taxi services);
	(iii)	electricity, including distribution;
	(iv)	services in relation to burials and cremations by any institution or person;

	(v)	services at a restaurant situated beyond the immigration counter at the Bandaranaike International Air Port;	
	(vi)	<p>goods and services to the mission of any state or any organization to which the provisions of the Diplomatic Privileges Act, No. 9 of 1996 applies or to any diplomatic personnel of such mission or organization who is entitled to such benefits:</p> <p>provided that, reciprocal benefits are available to their counter parts from Sri Lanka and identified as such by the Commissioner- General;</p>	
	(vii)	goods or services funded directly by foreign organizations for the relief of sudden distress caused by natural or human disasters or to any activity having regard to the interest of the national economy, as approved by the Minister;	
	(viii)	the following financial services: -	
		(A)	the operation of any current, deposit or savings account;
		(B)	the exchange of currency;
		(C)	the issue payment collection or transfer of ownership of any note, order for payment, cheque or letter of credit;
		(D)	the issue, allotment, transfer of ownership, drawing, acceptance or endorsement of any debt security, being any interest in or right to be paid money owing by any person;
		(E)	the issue, allotment or transfer of ownership of any equity security, debt security or participatory security;
		(F)	the underwriting or sub-underwriting the issue of any equity security, debt security or participatory security;
		(G)	the provision of any loan, advance or credit;

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		(H)	the provision-
		(i)	of the facility of instalment credit finance in a hire purchase conditional sale or credit sale agreement for which facility a separate charge is made and disclosed to the person to whom the supply is made;
		(ii)	of goods under any hire purchase agreement or conditional sale agreement, which have been used in Sri Lanka for a period not less than twelve months as at the date of such agreement;
		(iii)	of leasing facilities under any finance lease agreement;
		(I)	the life insurance, "Agrahara" insurance and crop and livestock insurance;
		(J)	the transfer of non-performing loans of a licensed commercial bank by way of transfer of such loans to any other person in terms of a restructuring scheme or other scheme of such bank as approved by the Central Bank of Sri Lanka with the concurrence of the Minister;
	(ix)		all healthcare services provided by medical institutions or professionally qualified persons providing such care other than hospital room charges;
	(x)		any article imported subject to the Special Commodity Levy under the Special Commodity Levy Act, No. 48 of 2007 subject to the condition that such articles are sold without any processing except adaption for sale;
	(xi)		locally manufactured handloom textiles;
	(xii)		rice, rice flour and bread so far as such products are manufactured locally;
	(xiii)		unprocessed agricultural, horticultural or fishing products produced in Sri Lanka;
	(xiv)		locally manufactured surgical gauze used for surgery;

	(xv)	fabric which are subject to a cess at a specific rate classified under the Harmonized Commodity Description and Coding System Numbers for Custom purposes, in lieu of chargeability of any other tax on importation at the point of entry into the country, by the Director-General of Customs as specified in a <i>Gazette</i> Notification issued under the Sri Lanka Export Development Act, No. 40 of 1979;
	(xvi)	services by the Department of Commerce, the Board of Investment of Sri Lanka or the Sri Lanka Ports Authority, in so far as such services are provided to any exporter or to provider of services which are zero rated services for the purpose of tax under this Act;
	(xvii)	services by a person in Sri Lanka to any other person outside Sri Lanka to be consumed or utilized by such other person outside Sri Lanka for which the payment is made in Sri Lanka rupees;
	(xviii)	services, which result in the improvement of quality, character or value of any yarn, fabric or garment so far as such services are provided to persons other than exporters of such products;
	(xix)	geriatric services and child care services;
	(xx)	goods or services to any project identified as a Strategic Development Project in terms of section 3(4) of the Strategic Development Project Act, No. 14 of 2008;
	(xxi)	<p>(a) goods or services to any specified project identified by the Minister, taking into consideration the economic benefit to the country, on which the tax is borne by the Government; or</p> <p>(b) goods and services to any infrastructure development project funded through foreign loans or donations directly to the Ministries of the Government of Sri Lanka, approved by the Minister on the recommendation of the Secretary of the respective Ministry;</p>
	(xxii)	goods or services by the Central Bank of Sri Lanka established by the Central Bank of Sri Lanka Act, No. 16 of 2023;

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	(xxiii)	any services by any public corporation to the extent of provision of such services on behalf of the Government of Sri Lanka, free of charge out of the funds voted by Parliament from the Consolidated Fund or out of any loan arranged through the Government;
	(xxiv)	locally manufactured goods to duty free shops for payment in foreign currency.
(c)	The Import of -	
	(i)	any article entitled to duty free clearance under the Passenger's Baggage (exemptions) Regulations made under section 107 of the Customs Ordinance (Chapter 235) or any article cleared by duty free on a re-importation certificate as provided for in Schedule "A" of the Customs Ordinance (Chapter 235) or any article cleared ex-bond for use as ship stores;
	(ii)	(A) goods to be used as exhibition material or as material in any technical demonstration and which are re-exported after the completion of such project, exhibition or demonstration, as the case may be; or
		(B) plant, machinery or equipment which are imported to be used in projects and re-exported after the completion of the project, and in respect of which tax is differed in terms of paragraph (b) of the second proviso to subsection (3) of section 2;
	(iii)	aircraft engines or aircraft spare parts identified under specified Harmonized Commodity Description and Coding System Numbers for Custom purposes;
	(iv)	chemical naphtha by the Ceylon Petroleum Corporation to be supplied to Ceylon Electricity Board for the generation of electricity;
	(v)	(A) goods for any specified project identified by the Minister, taking into consideration the economic benefit to the country, on which the tax is borne by the Government; or

	(B) goods, for a project identified as a strategic development project under the provisions of the Strategic Development Project Act, No.14 of 2008, during the project implementation period, subject to the conditions specified therein; or
	(C) goods for any infrastructure development project funded through foreign loans or donations directly to any Ministry of the Government of Sri Lanka, as approved by the Minister on the recommendation of the Secretary of the respective Ministry;
(vi)	<p>goods to a mission of any state or any organization to which the provisions of the Diplomatic Privileges Act, No. 9 of 1996 applies or to any diplomatic personnel of such mission or organization who is entitled to such benefits:</p> <p>provided that, reciprocal benefits are available to the counter parts from Sri Lanka and identified as such by the Commissioner-General;</p>
(vii)	goods from any foreign organization or out of the funds from such organization for the relief of sudden distress caused by natural or human disasters or to any activity having regard to the interest of the national economy, as approved by the Minister.
(d)	The import and supply of goods at duty free shops for payment in foreign currency.”.

Sinhala text to prevail in case of inconsistency

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

