

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

Part II of March 27, 2015

SUPPLEMENT

(Issued on 30.03.2015)



TELECOMMUNICATION LEVY (AMENDMENT)

A

BILL

to amend the Telecommunication Levy Act, No. 21 of 2011

Ordered to be published by the Minister of Finance

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STATEMENT OF LEGAL EFFECT

Clause 2: This Clause amends section 2 of the Telecommunication Levy Act, No. 21 of 2011 (hereinafter referred to as “principal enactment”) as last amended by Act, No. 11 of 2014 and the legal effect of the section as amended is to impose a levy on the operators and the recipient as the case may be with regard to prepaid services and to extend the period of chargeability of levies from April 1, 2015.

Clause 3: This Clause inserts a new section 2A to the principal enactment and the legal effect as amended is to provide for the Minister to make an order to specify a date or period of payment of Levy referred in subsection (2) of section 2 of the principal enactment.

Clause 4: This Clause amends section 3 of the principal enactment and the legal effect of the section as amended is to provide for the remittance of the levy paid by the operators on the prepaid services.

Telecommunication Levy (Amendment)

L.D.—O. 15/2015

AN ACT TO AMEND THE TELECOMMUNICATION LEVY
ACT, NO. 21 OF 2011

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

1. This Act may be cited as the Telecommunication Levy (Amendment) Act, No. of 2015, and shall come into
5 operation on April 1, 2015.

Short title
and date of
operation.

2. Section 2 of the Telecommunication Levy Act, No. 21 of 2011 (hereinafter referred to as the “principal
enactment”) as last amended by Act, No. 11 of 2014 is
hereby further amended by the repeal of that section and the
10 substitution therefor of the following:—

Amendment
of section 2
of the
Telecommuni-
cation
Levy Act,
No.21 of
2011.

“2.(1) There shall be charged and levied from every
person receiving any telecommunication service
(hereinafter referred to as “the recipient”), a levy called
Telecommunication Levy, (hereinafter referred to as
15 “the Levy”), on the value of the supply of the
telecommunication services provided by the operator to that
recipient in respect of each month—

(a) for the period commencing on or after January
1, 2011 but prior to January 1, 2013, at the
20 rate of twenty *per centum*;

(b) for the period commencing on or after January
1, 2013 but prior to January 1, 2014—

(i) at the rate of ten *per centum*, on the
value of supply of internet services; and

25 (ii) at the rate of twenty *per centum*, on the
value of supply of telecommunication
services other than the internet services;

2 *Telecommunication Levy (Amendment)*

- (c) for the period commencing on or after January 1, 2014 but prior to April 1, 2015–
- 5 (i) at the rate of ten *per centum*, on the value of supply of internet services; and
- (ii) at the rate of twenty five *per centum*, on the value of supply of telecommunication services other than the internet services;
- 10 (d) for any period commencing on or after April 1, 2015–
- (i) for both postpaid and prepaid services, at the rate of ten *per centum*, on the value of supply of internet services; and
- 15 (ii) for postpaid services at the rate of twenty five *per centum*, on the value of supply of telecommunication services other than the internet services,

(2) There shall be charged and levied from every operator providing telecommunication service, other than
20 internet service as a pre-paid service to any recipient, the levy referred to in subsection (1) for any period commencing on or after April 1, 2015, until such date or period as may be specified by the Minister under section 2A at the rate of twenty five *per centum*, on the value of supply of such
25 telecommunication service to that recipient in respect of each month.

(3) Where any such date or period is specified for the purposes of subsection (2), the Levy shall be charged from every recipient of telecommunication service other than
30 internet service, as a prepaid service, effective from that date or period specified by the Minister.

(4) The provisions of subsections (1), (2) and (3), shall not apply to any organization or any individual to whom the provisions of the Diplomatic Privileges Act, No. 9 of 1996 applies.

5 **3.** The following new section is hereby inserted immediately after section 2 of the principal enactment and shall have effect as section 2A of that enactment:—

Insertion of new section 2A in the principal enactment.

10 “Minister may specify a date or period of payment of the levy. 2A. (1) The Minister may, by Order specify a date or period of the payment of the levy referred to in subsection (2) of section 2.

(2) The Order made by the Minister under subsection (1) shall be in operation immediately upon the Minister affixing his signature thereto.

15 (3) Every such Order shall as soon as convenient be published in the *Gazette*.

(4) Every such Order shall as soon as convenient thereafter, be approved by a Resolution of Parliament.

20 (5) Where any such Order is not approved by Parliament it shall be deemed to be rescinded with effect from the date of such Resolution.”.

25 **4.** Section 3 of the principal enactment is hereby amended by the repeal of that section and the substitution therefor of the following:—

Amendment of section 3 of the principal enactment.

30 “3. The levy collected under section 2(1) and the levy payable under section 2(2) shall be remitted by the operators licensed under section 17 of the Sri Lanka Telecommunication Act, No. 25 of 1991 to the Telecommunication Regulatory Commission of Sri Lanka (hereinafter referred to as “the

Commission”) established under the aforesaid Act, within fifteen days from the end of each month commencing on or after January 1, 2011 along with such details as may be specified by the Commission:

5 Provided that, with effect from May 1, 2014, where the levy is collected prior to issuing invoices or without issuing invoices, such levy—

10 (a) collected for the period commencing from the first day to the fifteenth day of that month, shall be remitted on or before the twentieth day of that month; and

15 (b) collected for the period commencing from the sixteenth day to the end of that month, shall be remitted on or before the fifth day of the succeeding month”.

20 5. The amount of the Levy charged and collected under section 2 (1) (d) and section 2(2) of the principal enactment by the operator, during the period commencing from April 1, 2015 and ending on the date on which the certificate of the speaker is endorsed in respect of this Act, shall be deemed for all purposes to have been validly charged and collected under the principal enactment: Validation.

25 Provided that, the aforesaid provisions shall not affect any decision or Order made by any court or any proceedings pending in any court in respect of any levy charged and collected during that period.

6. 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 any inconsistency.

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