

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

Part II of March 27, 2015

SUPPLEMENT

(Issued on 30.03.2015)



INLAND REVENUE (AMENDMENT)

A

BILL

to amend the Inland Revenue Tax Act, No. 10 of 2006

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THE STATEMENT OF LEGAL EFFECT

Clause 2: This Clause amends section 7 of the Inland Revenue Act, No.10 of 2006 (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to exempt Diabetic Association of Sri Lanka from the payment of income tax and to correct an error in that section.

Clause 3: This Clause amends section 8 of the principal enactment and the legal effect of the section as amended is to exempt benefit from loan provided to employees by employer.

Clause 4: This Clause amends section 9 of the principal enactment and the legal effect of the section as amended is to expand the applicability of exemption to interest income of individual who is 60 years and over 60 years.

Clause 5: This clause amends section 10 of the principal enactment and the legal effect of the section as amended is to expand the exemption to dividend paid out by new undertaking for manufacture of products for export.

Clause 6: This Clause amends section 13 of the principal enactment and the legal effect of the section as amended is—

- (a) to provide concession to award winning films or dramas in international festivals;
- (b) to exempt the profits earned by the way of royalty from information technology or business processes outsourcing company in Sri Lanka;
- (c) to exempt profits of Unit Trusts from US Dollar Deposit or US Dollar denominated securities listed in foreign stock exchanges.

Clause 7: This Clause amends section 25 of the principal enactment and the legal effect of the section as amended is to—

- (a) rectify some errors in that section;
- (b) provide concession to investments in manufacturing companies for export;
- (c) provide concession to research on innovation or high value agricultural product;
- (d) provide concession to standard skill development training;
- (e) provide concession to Brand Promotion for export of products.

Clause 8: This Clause amends section 26 of the principal enactment and the legal effect of the section as amended is to disallow the deduction of the Nation Building Tax, and Super Gain Tax and other Levies imposed under the Finance Act.

Clause 9: This Clause amends section 32 of the principal enactment and the legal effect of the section as amended is to—

- (a) rectify some errors in that section ;
- (b) provide to carry forward losses after consolidation, acquisition or merger of bank, financial institution or leasing company.

Clause 10: This Clause amends section 34 of the principal enactment and the legal effect of the section as amended is—

- (a) to expand the applicability of qualifying payment deduction for National Kidney Fund ;
- (b) to rectify an error in that section ;
- (c) to provide deduction of expenditure incurred in the merger of banks, finance companies and leasing companies.

Clause 11: This Clause amends section 39 of the principal enactment and the legal effect of the section as amended is to rectify some errors in that section.

Clause 12: This Clause amends section 40B of the principal enactment and the legal effect of the section as amended is to restrict the applicability of concession.

Clause 13: This Clause amends section 40C of the principal enactment and the legal effect of the section as amended is to provide concessionary tax rate on the employment income of employees.

Clause 14: This Clause amends section 45 of the principal enactment and the legal effect of the section as amended is to provide concessionary tax for undertakings for manufacture of sugar.

Clause 15: This Clause amends section 46 of the principal enactment and is consequential to the amendment made by clause 14.

Clause 16: This Clause inserts new section 48D in the principal enactment and the new section provide for the extension of period for the fulfillment of investments criteria by B.O.I. Companies.

Clause 17: This Clause amends section 56D of the principal enactment and the legal effect of the section as amended is to expand the applicability of concession to packing items and ceramic products.

Clause 18: This Clause amends section 58 of the principal enactment and the legal effect of the section as amended is to expand to concessionary rate of tax for Freight Forwarders providing services for export of goods.

Clause 19: This Clause amends section 59B of the principal enactment and the legal effect of the section as amended is to expand the concession to certain other companies also.

Clause 20: This Clause amends section 59F of the principal enactment and the legal effect of the section as amended is to further clarify the manner of computing tax for the purpose of that section.

Clause 21: This Clause inserts new sections 59I, 59J, 59K, 59L and 59M in the principal enactment and the legal effect of the new sections are—

- (a) to provide concessionary rate of tax for expansion of manufacturing companies;
- (b) to provide concessionary rate of tax for new manufacturing companies for six years;
- (c) to provide concession to local manufacturers who have been in business since 1970;
- (d) to provide concession to promote intercropping activities and food processing activities;
- (e) to provide concession for undertakings located in any lagging region.

Clause 22 : This Clause clarifies section 61 of the principal enactment.

Clause 23 : This Clause clarifies section 63 of the principal enactment.

Clause 24 : This Clause amends section 94 of the principal enactment and the legal effect of the section as amended is to provide fees for technical services also as deemed profit under that section.

Clause 25 : This Clause amends section 95 of the principal enactment and is consequential to the amendment made by Clause 24.

Clause 26 : This Clause inserts a new section 105A in the principal enactment and the new section provides for the use of electronic communication and electronic records for the purpose of Act.

Clause 27 : This Clause amends section 106 of the principal enactment and the legal effect of the section as amended is to rectify an error in that section.

Clause 28 : This Clause amends section 107 of the principal enactment and extends the definition of “approved accountant” by including a member of the Association of Accounting Technicians of Sri Lanka.

Clause 29 : This Clause amends section 115 of the principal enactment and the legal effect of the section as amended is to enhance the personal allowance of employees to seven hundred and fifty thousand rupees.

Clause 30 : This Clause amends section 133 of the principal enactment and the legal effect of the section as amended is to rectify some errors in that section.

Clause 31 : This Clause amends section 137 of the principal enactment and which is consequential to the amendment made by Clause 9.

Clause 32 : This Clause amends section 139 of the principal enactment to further clarify that section.

Clause 33 : This Clause amends section 150 of the principal enactment and the legal effect of the section as amended is to enable return to be made by banks and financial institution on a quarterly basis.

Clause 34 : This Clause amends section 159 of the principal enactment and the legal effect of the amendment is to provide returns to be furnished on a quarterly basis under that section

Clause 35 : This Clause amends section 163 of the principal enactment to clarify that section.

Clause 36 : This Clause amends section 212 of the principal enactment and provide for regulations to be made to issue guidelines for the calculation of tax after amalgamation or merger of banks and financial institutions and leasing companies and for the implementation of the electronic communication and records for the purpose of the Act.

Clause 37 : This Clause amends the Second Schedule to the principal enactment to rectify some errors in such Schedule.

Clause 38 : This Clause amends Fifth Schedule to the principal enactment and which is consequential to the amendment made by Clause 20.

Clause 39 : This Clause provides validation to the tax charged and collected by the Commissioner-General, during the period commencing from April 1, 2015 and ending on the date on which the Certificate is endorsed by the Speaker.

Inland Revenue (Amendment)

L.D.—O. 11/2015

AN ACT TO AMEND THE INLAND REVENUE
ACT, No. 10 OF 2006

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

1. This Act may be cited as the Inland Revenue (Amendment) Act, No. of 2015, and shall be deemed for all purposes to have come into operation on April 1, 2015 unless stated otherwise. Short title and the date of operation.
- 5
2. Section 7 of the Inland Revenue Act, No. 10 of 2006 (hereinafter referred to as the “principal enactment”) as last amended by Act, No.8 of 2014 is hereby further amended in paragraph (b) of that section as follows:- Amendment of section 7 of the Inland Revenue Act, No. 10 of 2006.
- 10
- (1) by the substitution in sub-paragraph (xvii) of that paragraph for the words and figures “on or before March 31, 2008 or for any year of assessment commencing on or after April 1, 2013, arising out of business”, of the words and figures “on or before March 31, 2008, arising out of business”;
- 15
- (2) by the substitution in sub-paragraph (lxxii) for the words and figures “Act, No. 12 of 1986; and”, of the words and figures “Act, No. 12 of 1986;”;
- (3) by the substitution in sub-paragraph (lxxiii) for the words and figures “Trust Ordinance (Chapter 87).”, of the words and figures “Trust Ordinance (Chapter 87); and” ; and
- 20

- (4) by the addition immediately after sub-paragraph (lxxiii) of that paragraph, of the following new sub-paragraph:-

5 “(lxxiv) the Diabetes Association of Sri Lanka incorporated by the Diabetes Association of Sri Lanka (Incorporation) Act, No. 1 of 1992.”.

3. Section 8 of the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended in subsection (1) of that section as follows:-

Amendment of section 8 of the principal enactment.

10 (1) by the substitution in paragraph (x) of that subsection for the words “for that year of assessment.”, of the words “for that year of assessment; and”; and

15 (2) by the addition immediately after paragraph (x) of that subsection, of the following new paragraph:-

“(y) benefit from provision of any loan by the employer free of interest or at a subsidised rate of interest, if such loan is provided not out of funds borrowed for that purpose.”.

20 4. Section 9 of the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended as follows:-

Amendment of section 9 of the principal enactment.

25 (1) by the substitution in sub-paragraph (ii) of paragraph (h) of that section, for the words and figures “commencing on or after April 1, 2011, to any individual”, of the words and figures “commencing on or after April 1, 2011, but prior to January 1, 2015, to any individual”;

(2) by the addition immediately after paragraph (h) of that section, of the following new paragraphs:-

30 “(hh) such part of any interest accruing for, or arising in, for the period commencing on January 1, 2015 and ending on March 31,

2015, or for any year of assessment commencing on or after April 1, 2015 to any individual who is a citizen of Sri Lanka and resident in Sri Lanka and who reaches sixty
 5 years during the period commencing from January 1, 2015 and ending on March 31, 2015 or who is more than fifty nine years old on the first day of the year of assessment commencing on or after April
 10 1, 2015, from any deposit maintained in any bank or financial institution authorized by the Central Bank of Sri Lanka to accept deposits from the general public;

(*hhh*) such part of any interest accruing for, or
 15 arising in, any year of assessment commencing on or after April 1, 2015, to any individual or charitable institution where such individual or charitable institution maintains one savings account or more than one savings account, where
 20 the interest paid for a month is less than five thousand rupees.

For the purpose of this paragraph,
 25 “savings account” means an account, whether or not subject to any condition affecting the right to withdraw money therefrom and which bears interest at a rate not dependent on the period for which the deposit is maintained;” and

30 (3) by the addition immediately after paragraph (*o*) of that section , of the following new paragraphs:-

“(p) the interest or discount accruing or arising to any person from any investment made on or after January 1, 2015 in any

Corporate Debt Security, issued by the Urban Development Authority established by the Urban Development Authority Law, No. 41 of 1978; and

- 5 (q) the interest accruing or arising to any individual who is Sri Lankan, living or employed abroad from any investment made on or after January 1, 2015 in Nation Development Bonds issued by the Central Bank of Sri Lanka on behalf of the Government.”.
- 10

5. Section 10 of the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended in subsection (1) of that section as follows:-

Amendment of section 10 of the principal enactment.

- 15 (1) by the substitution in paragraph (l) of that subsection for the words “the second mentioned dividend by that company.”, of the words “the second mentioned dividend by that company;” and

- 20 (2) by the addition immediately after paragraph (l) of that subsection, of the following new paragraph:-

- 25 “(m) any dividend paid to a shareholder of any new undertaking commenced on or after April 1, 2015 for manufacture of products for export, and which is not formed by splitting-up or re-construction of an existing undertaking with an investment of not less than two million US Dollars (or equivalent in any other currency) and for which depreciation allowances are
- 30 entitled to under paragraph (h) of the first proviso to paragraph (a) of subsection (1) of section 25, where such dividends

5 are paid out of such profits and income of such new undertaking during the period reckoned from the year of assessment in which such new undertaking commences to carry on commercial operations and another four years of assessment immediately succeeding that year of assessment.”.

10 **6.** Section 13 of the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended as follows:-

Amendment of section 13 of the principal enactment.

- (1) by the insertion immediately after paragraph (*qqqq*) of that section, of the following new paragraph:-

15 “(*qqqqq*) one half of the profits and income for any period on or after April 1, 2015 from the production of films or dramas of any individual who produces an award winning cinema or a drama at an international film or drama festival, for a period of five years of assessment commencing from the year in which such award is received;” ;

20

- (2) by the insertion immediately after paragraph (*tt*) of that section, of the following new paragraph:-

25 “(*ttt*) the profits and income arising or accruing to any Unit Trust from investments made on or after January 1, 2015 in US Dollar deposits or US Dollar denominated securities listed in any foreign stock exchange;” ; and

- 30 (3) by the insertion immediately after paragraph (*yyyyyyyy*) of that section, of the following new paragraph:-

35 “(*yyyyyyyyy*) the profits and income arising or accruing to any company, partnership or body of persons

5 outside Sri Lanka for any year of
assessment commencing on or
after April 1, 2015, from any
payment made by way of royalty
as a specific requirement of any
information technology or
business process outsourcing
company in Sri Lanka, for the year
of assessment in which such
10 company in Sri Lanka commences
such operations and for another
year of assessment immediately
succeeding that year of
assessment;”.

15 **7.** Section 25 of the principal enactment as last amended
by Act, No. 8 of 2014 is hereby further amended as follows:–

Amendment
of section 25
of the
principal
enactment.

(1) in subsection (1) of that section-

20 (a) by the repeal of sub-paragraph (v) and sub-
paragraph (vi) of paragraph (a) of that
subsection, and the substitution therefor,
of the following sub- paragraph:–

25 “(v) any qualified building constructed
or any unit of a condominium
property acquired and which is
approved by the Urban
Development Authority
established by the Urban
Development Authority Law,
No. 41 of 1978 and constructed to
30 be used as a commercial unit or any
hotel building (including a hotel

5 building complex) or any industrial building (including any industrial building complex) acquired from a person who had used such building in any trade or business-

10 (A) prior to April 1, 2011 at the rate of six and two third *per centum* per annum, on the cost of construction or cost of acquisition of such building or unit; or

15 (B) on or after April 1, 2011 at the rate of ten *per centum* per annum on the cost of construction or the cost of acquisition of such building or unit;”;

20 (b) by the addition immediately after paragraph (g) of the proviso to paragraph (a) of that subsection, of the following new paragraph:-

25 “(h) where any plant, machinery or equipment acquired and used on or after April 1, 2015, in any new undertaking commenced on or after April 1, 2015 for the manufacture of products for exports with an investment of not less than two million US Dollars or its equivalent in other currency and which is not formed by splitting up or re-construction of an existing undertaking, the rate of depreciation shall be hundred *per centum* of the cost of acquisition;”;

30

35

- 5 (c) in the second proviso to paragraph (a) of that subsection, by the substitution for the words and figures “referred to in sub-paragraphs (i), (ii), (iii), or (iv)”, of the words and figures “referred to in sub-paragraph (i), (ii), (iii), (iv) or (v)”;
- 10 (d) in the proviso to paragraph (i) of that subsection, by the insertion immediately after paragraph (B) of that proviso, of the following new paragraph:–
- 15 “(C) where such expenditure on research is incurred on or after April 1, 2015 , for any innovation or research relating to high value agricultural products and such research is carried out by such person himself or through any research institution, in Sri Lanka”;
- 20 (e) by the insertion immediately after paragraph (i) of that subsection, of the following paragraph:–
- 25 “For the purpose of this paragraph the Commissioner-General shall issue guidelines in order to ensure the uniform application of deduction;”;
- 30 (f) by the substitution in sub-paragraph (iv) to the proviso to paragraph (k) of that subsection for the words and figures “under Chapter XIV or in the opinion”, of the words and figures “under Chapter XIV of this Act where such benefit is not exempt under paragraph (s) of subsection (1) of section 8 of this Act, or in the opinion”;

- (g) by the repeal of paragraph (w) of that subsection and the substitution therefor, of the following new paragraphs:-

5 “(w) for any year of assessment
commencing on or after April 1, 2014
any royalty or ground rent payable
for the relevant year of assessment
and paid by such person if such
10 amount was not allowed to be
deducted prior to April 1, 2014,
under paragraph (a) of subsection
(5) of section 32;

15 (x) for any year of assessment
commencing on or after April 1,
2015, an amount equal to three
hundred *per centum* of the
expenditure incurred by any person
20 registered with the Tertiary and
Vocational Education Commission
established under the Tertiary and
Vocational Educational Act, No. 20
of 1990 on standard skill
development training by any
25 institution recommended by such
Commission to be provided to
trainees;

30 (y) for any year of assessment
commencing on or after April 1,
2015, an amount equal to three
hundred *per centum* of the
expenditure incurred by any person
for brand promotion for the export
of products manufactured by such
persons.

35 For the purpose of this paragraph
“brand promotion” means, creating
an internationally recognized brand
name for a local value added
product or produce.”;

- (2) in subsection (5) of that section, by the insertion at the end of the proviso to that subsection, of the following new paragraph :-

5 “For the purpose of this subsection “person” includes a partnership.”;

- (3) in subsection (7) of that section-

10 (a) by the substitution for the words in the definition of “capital assets” in paragraph (b) of that subsection for the words “means any plant, machinery, fixture, fitting, utensils, articles or equipment”, of the words “means any plant, machinery, fixture, fitting, utensils, articles or equipment including computer software or intangible assets other than goodwill,”;

15 (b) by the repeal of sub-paragraph (iii) of paragraph (f) of that subsection, and the substitution therefor, of the following new sub-paragraph:-

20 “(iii) where a company is incorporated (hereinafter referred to as the “first mentioned company”) to -

25 (a) take over the business (including the capital assets) carried on by an individual either solely or in partnership with others, and acquires the capital assets of such business being carried on by such individual or partnership;

30 or

- 5 (b) segregate the business of
long term insurance and
general insurance as
separate businesses as
required in terms of
Regulation of Insurance
Industry (Amendment)
Act, No. 3 of 2011 or to
10 consolidate, acquire or
merge of any bank,
financial institution or
leasing company under
the guidance of the
Central Bank of Sri Lanka
15 subject to conditions
specified in the Guidelines
issued by the
Commissioner General
where such businesses
20 are carried out separately
prior to such segregation,
consolidation, acquisition
or merger, by each such
company (hereinafter
25 referred to as the “second
mentioned company”),
the cost of acquisition of
each capital asset by the
first mentioned company
30 shall be deemed to be the
cost of acquisition of such
capital asset by such
individual or partnership
or the second mentioned
35 company, reduced by the
amount of any allowance
for depreciation granted
in respect of such asset to
such individual or

5 partnership or second
mentioned company, and
the date of acquisition of
such capital assets by the
first mentioned company,
shall be deemed to be the
date of acquisition of
such capital asset by such
individual, partnership or
10 second mentioned
company;”.

8. Section 26 of the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended in subsection (1) of that section as follows:-

Amendment
of section 26
of the
principal
enactment.

15 (1) in paragraph (1) of that subsection:-

(a) by the substitution for the words and figures in sub-paragraph (v) of that paragraph “the Value Added Tax Act, No. 14 of 2002; or” of the words and figures
20 “the Value Added Tax Act, No. 14 of 2002 or, Nation Building Tax on Financial Services within the provisions of the Nation Building Tax Act, No. 9 of 2009; or”;

(b) by the substitution in sub-paragraph (vii) of that paragraph for the words and figures
25 “Act, No. 12 of 2013;”, of the words and figures “Act, No. 12 of 2013; or”; and

(c) by the insertion immediately after sub-paragraph (vii) of that paragraph, of the
30 following new sub-paragraph:-

“(viii) Super Gain Tax, Bars and Taverns Levy, Casino Industry Levy, Mobile Telephone Operator Levy, Direct to

5 Home Satellite Services Levy,
Satellite Location Levy, Dedicated
Sports Channel Levy and Mansion
Tax imposed and levied under the
provisions of the Finance Act, No.
.... 2015,”; and

- (2) by the repeal of paragraph (m) of that subsection
and substitution therefor, of the following new
paragraph:-

10 “(m) any ground rent or royalty payable for any
period prior to April 1, 2014 and paid after
April 1, 2014 which is deductible under
paragraph (a) of subsection (5) of section
32 or annuity paid by such person;”.

15 **9.** Section 32 of the principal enactment as last amended
by Act, No. 8 of 2014 is hereby further amended in subsection
(5) of that section as follows:-

Amendment
of section 32
of the
principal
enactment.

(1) in paragraph (a) of that subsection, by the
substitution for all the words and figures from “sums
paid by such person” to the words and figures
“subsection (1) of section 26:”, of the following
words and figures:-

“sums paid by such person for any year of
assessment by way of:

25 (i) any ground rent or royalty payable for
any period prior to April 1, 2014 and which
is paid after April 1, 2014; or

(ii) annuity or interest,

which is not deductible under section 25.

30 For the purpose of this paragraph interest
does not include the excess referred to in
paragraph (x) or paragraph (y) of subsection
(1) of section 26:”; and

- (2) by the insertion immediately after paragraph (d) of that subsection, of the following new paragraph:-

5 “(dd) the balance, if any, of any loss deductible under the provisions of this Act, of any business of any bank, financial institution or leasing company which is consolidated, acquired or merged in terms of the guidelines issued by the Central Bank of Sri Lanka subject to conditions specified in the guidelines issued by the Commissioner General, shall continue to be deducted, if it would have been claimed under this section prior to such consolidation, acquisition or merger, notwithstanding anything to the contrary in any other provision of this Act, but subject to the provisions of paragraph (b), from the total statutory income of the respective bank, financial institution or leasing company as a result of such consolidation, acquisition or merger;”.

10

15

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10. Section 34 of the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended as follows:-

Amendment of section 34 of the principal enactment.

- 25 (1) in subsection (2) of that section: -

(a) in paragraph (b) of that subsection, by the addition immediately after subparagraph (ix), of the following new subparagraph:-

30 “(x) National Kidney Fund established under the National Kidney Foundation of Sri Lanka (Incorporation) Act, No. 34 of 2006;”;

- 5 (b) in the paragraph (s) of that subsection, by the substitution for all the words and figures from “investment of not less than” to the words and figures “business on or after April 1, 2011:”, of the words and figures “investment of not less than fifty million rupees in the acquisition of fixed assets made by any person on or after April 1, 2011 but before April 1, 2014 in the expansion of any undertaking which would have been qualified for exemption under section 16C or section 17A had such undertaking commenced to carry on business on or after April 1, 2011:”;
- 10
- 15 (c) in paragraph (u) of that subsection, by the substitution for all the words and figures from “after April 1, 2013, then-” to the words “whichever is lower;”, of the following words and figures:-
- 20 “after April 1, 2013, then-
- (i) such part of profits in excess of five hundred thousand rupees ; or
- 25 (ii) for any year of assessment ended prior to April 1, 2015, one hundred thousand rupees and for any year of assessment commencing on or after April 1, 2015, two hundred and fifty thousand rupees,
- 30 whichever is lower;”;

- (d) by the substitution for paragraph (v) of that subsection, of the following new paragraph:-

5 “(v) such part of official emoluments arising in Sri Lanka to any individual who is not a citizen of Sri Lanka and not resident in Sri Lanka—

10 (i) for any year of assessment commencing on or after April 1, 2013, but prior to April 1, 2015 does not exceed one hundred thousand rupees; or

15 (ii) for any year of assessment commencing on or after April 1, 2015 does not exceed two hundred and fifty thousand rupees;”;

- 20 (e) by the repeal of paragraph (x) of that subsection and the substitution thereof, of the following new paragraph:-

25 “(x) any expenditure incurred by any bank, any financial institution or any leasing company, by way of cost of acquisition or merger of any other bank, any other financial institution or any other leasing company, where such cost is ascertained by considering all the facts on a case by case basis in accordance with the guidelines

5 (2) in subsection (4) of that section by the insertion
immediately after sub-paragraph (ix) of paragraph
(b) of that subsection, of the following new sub-
paragraph:-

11. Section 39 of the principal enactment is hereby amended by the substitution for the words “The gross royalty payable”, of the words “ The gross royalty (not being royalty exempt under any other provision of this Act) payable”.

12. Section 40B of the principal enactment as last amended by Act, No.18 of 2013 is hereby further amended by the substitution for the words and figures “commencing on or after April 1, 2009, of any”, of the words and figures “commencing on or after April 1, 2009 but prior to April 1, 2015, of any”.

13. Section 40C of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for all the words and figures from “Where the taxable income” to the words “and the rate of income tax”, of the following words and figures:-

Amendment
of section
40C of the
principal
enactment.

“Where the taxable income of any individual:

- (i) being a citizen of Sri Lanka, for any year of assessment commencing on or after April 1, 2014 but prior to April 1 2015, includes any profits from employment in the exercise of his duties as a professional; or
- (ii) includes any profits from employment for any year of assessment commencing on or after April 1, 2015,

(hereinafter in this section referred to as “relevant profits”) and the rate of income tax”.

14. Section 45 of the principal enactment as last amended by Act, No. 8 of 2012, is hereby further amended as follows:-

Amendment
of section 45
of the
principal
enactment.

(1) in subsection (1) of that section:-

- (a) in paragraph (b) of that subsection, for the words “tourism; or”, of the words “tourism;”;
- (b) in paragraph (c) of that subsection, for the words “construction work;” of the words, “construction work; or”; and
- (c) by the addition immediately after paragraph (c) of that subsection, of the following new paragraph :-
 - “(d) undertaking for the manufacture of sugar;”;

sugar;”;

- (2) in subsection (2) of that section, by the addition immediately after paragraph (d) of that subsection, of the following new paragraph:-

5 “(e) undertaking for the manufacture of sugar”
means an undertaking carried on for locally
manufacturing sugar by using sugar cane
or beet or any other produce exclusively
cultivated locally.”.

10 **15.** Section 46 of the principal enactment as last amended by Act, No. 22 of 2011 is hereby further amended as follows:-

Amendment
of section 46
of the
principal
enactment.

- (1) in subsection (1) of that section:-

15 (a) in paragraph (b) of that subsection, for the words “tourism; or”, of the words “tourism;”;

(b) in paragraph (c) of that subsection, for the words “construction work;”, of the words “construction work; or”; and

20 (c) by the addition immediately after paragraph (c) of that subsection, of the following new paragraph:-

“(d) undertaking for the manufacture of sugar;” and

25 (2) in subsection (2) of that section by the substitution for the words “profits and income from any agricultural undertaking” and “undertaking for construction work” shall”, of the words “profits and income from any agricultural undertaking”, “undertaking for construction work” and
30 “undertaking for the manufacture of sugar”, shall”.

16. The following new section is hereby inserted immediately after section 48C of the principal enactment and shall have effect as section 48D of that enactment:-

Insertion of new section 48D of the principal enactment.

“Extension of the period specified for the fulfilment of investment criteria by any company entered into an agreement with the Board of Investment of Sri Lanka under section 16D or section 17A.

5 “48D. Notwithstanding the period specified in section 16D or paragraph (b) and (c) of subsection (2) of section 17A to complete investment and to commence the commercial operations by any new undertaking which has been approved by the Board of Investment of Sri Lanka by entering into an agreement under section 17 of the Board of Investment of Sri Lanka Law, No. 4 of 1978 which provides tax holiday under section 16D or section 17A of this Act, if such agreement was entered into prior to April 1, 2014 and the company which invested in such undertaking is unable to complete the required investment prior to April 1, 2015 and to commence commercial operations prior to April 1, 2016 due to any practical reasons depending on the nature of the business, such period shall be extended up to April 1, 2017, if the Commissioner General is satisfied that the nature of the activities engaged in by such new undertaking are only activities qualified under section 16D or section 17A and the Board of Investment of Sri Lanka confirms, on request made by the investor, that the reasons for such extension is justifiable and acceptable by examining the status of the progress of such new undertaking.”.

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17. Section 56D of the principal enactment is hereby amended as follows:-

Amendment of section 56D of the principal enactment.

(1) by the substitution in that section for the words “locally manufactured garments, bags made out of fabric, linen, curtains or any other goods,” of the

35

words “locally manufactured garments, bags made out of fabric, linen, curtains, packing items or ceramic products,”; and

- 5 (2) by the substitution in the proviso of that section for the words “the local value addition of such garments, bags, linen, curtains or other goods,”, of the words “the local value addition of such garments, bags, linen, curtains, packing items or ceramic products,”.

10 **18.** Section 58 of the principal enactment as last amended by Act, No. 8 of 2014, is hereby further amended as follows:-

Amendment of section 58 of the principal enactment.

- (1) by the substitution in that section for all the words from “supply of any services, to any” to the words “foreign principal to such person in Sri Lanka”, of
15 the following words and figures:-

“supply of-

- (i) any services to any exporter of goods or services or to any foreign principal of such exporter directly, being services
20 which could be treated as essentially related to the manufacture of such goods or provisions of such services exported by such exporter either directly or through any export trading house;
- 25 (ii) any services provided by an agent of a ship operator to such agent’s foreign principal; or
- (iii) any services provided by any freight forwarder insofar as such services are
30 for export of goods,

and the payment for such services are made by such exporter, foreign principal or the recipient of the services of the freight forwarder, to such person in Sri Lanka”; and

- 5 (2) by the addition immediately after that section, of the following new paragraph:-

10 “For the purpose of this section “freight forwarder” means a person or a partnership who or which is registered with the Central Bank of Sri Lanka under the Exchange Control Act, as a Freight forwarder and who-

- (i) issues multi-modal documents of carriage covered by a Freight Forwarders’ “All Risks and Legal Liability Insurance Policy”; and
- 15 (ii) furnishes, together with the return of relevant turnover for any relevant quarter, copies of the statements, furnished to the Controller of Exchange in respects of each month comprised in such relevant quarter
- 20 of turnover prepared in the form specified in the Third Schedule to the Notification issued by the Controller of Exchange under section 29B of the Exchange Control Act, and net collections prepared in the form
- 25 specified in the Fourth, Fifth and Sixth Schedules to such Notification.”.

19. Section 59B of the principal enactment as last amended by Act, No. 8 of 2014, is hereby further amended in paragraph (b) of subsection (2) of that section as follows:-

Amendment of section 59B of the principal enactment.

- 30 (1) in sub-paragraph (ii) of that paragraph, for the words and figures “being any year of assessment commencing on or after April 1, 2013 does not exceed

five hundred million rupees;”, of the words and figures “ being any year of assessment commencing on or after April 1, 2013, but prior to April 1, 2015 , does not exceed five hundred million rupees;”; and

- 5 (2) by the addition immediately after sub-paragraph (ii) of that paragraph, of the following new sub-paragraph:-

10 “(iii) being any year of assessment commencing on or after April 1, 2015, does not exceed seven hundred and fifty million rupees.”.

20. Section 59F of the principal enactment is hereby amended by the repeal of subsection (1) of that section and substitution therefor, of the following new subsection :-

Amendment of section 59F of the principal enactment.

- 15 “(1) Where the taxable income of any individual being a citizen of Sri Lanka, for any year of assessment commencing on or after April 1, 2014, includes any profits and income from providing professional services as a professional (hereinafter in this section referred to as the “relevant profits”) and the rate of income tax payable under the First Schedule to this Act, on a part of such taxable income (hereinafter in this section referred to as the “relevant part of the taxable income”) exceeds twelve *per centum*, then in regard to the relevant part of the taxable income, 20 the tax payable shall be computed as given below:-
- 25

- (a) where such relevant part of the taxable income exceeds the amount of the relevant profits then the tax payable on such relevant part of the taxable income shall be 30 computed as follows:-

- (i) if such relevant profits does not exceed twenty five million rupees, then the tax payable on such

- 5 portion of the relevant part of the
taxable income as is equal to the
relevant profits, shall be at the rate
of twelve *per centum*, and the tax
payable on the balance of the
relevant part of the taxable income,
shall be computed according to
such of the rates above twelve *per*
10 *centum*, as are applicable thereto
under the First Schedule to this Act;
or
- 15 (ii) if such relevant profits exceeds
twenty five million rupees, but does
not exceed thirty five million rupees,
then the tax payable on such
portion of the relevant part of the
taxable income as is equal to twenty
five million rupees shall be at twelve
20 *per centum* and on the excess of
such relevant profits over twenty
five million rupees shall be at
fourteen *per centum*; and the tax
payable on the balance of the
relevant part of the taxable income,
25 shall be computed according to
such of the rates above twelve *per*
centum, as are applicable thereto
under the First Schedule to this Act;
or
- 30 (iii) if such relevant profits exceeds
thirty five million rupees, then the
tax payable on such portion of the
relevant part of the taxable income
as is equal to twenty five million
35 rupees shall be at twelve *per*
centum and on such portion as is
equal to ten million rupees shall be

at the rate of fourteen *per centum*;
and the tax payable on the balance
relevant part of the taxable income,
shall be computed as follows:-

- 5 (A) where the rate of income tax,
under the First Schedule to
this Act, payable on a
portion of such balance
relevant part of the taxable
10 income exceeds sixteen *per centum*:
- 15 - the tax payable on such
balance relevant part of
the taxable income as is
not exceeding the excess
of relevant profits over
thirty five million rupees
shall be computed at
sixteen *per centum*; and
- 20 - the tax payable on any
balance of the relevant
part of the taxable
income, shall be
25 computed according to
such of the rates above
sixteen *per centum*, as
are applicable thereto
under the First Schedule
to this Act; or
- 30 (B) where the rate of income tax
payable under the First
Schedule to this Act, on any
portion of such balance
relevant part of the taxable
35 income does not exceed

sixteen *per centum*, then
the tax payable on the
entirety of such balance
shall be computed at sixteen
per centum; or

5

(b) where such relevant part of the
taxable income does not exceed the
amount of the relevant profits, then
the tax payable on the relevant part
of the taxable income shall be
computed as follows:-

10

(i) if such relevant profits do
not exceed twenty five
million rupees then, the tax
payable on the entirety of
the relevant part of the
taxable income, shall be at
twelve *per centum*; or

15

(ii) if the relevant profits
exceeds twenty five million
rupees, then the tax,

20

- on the excess portion of
the relevant part of the
taxable income over the
amount by which the
relevant profits exceeds
twenty five million
rupees shall be at twelve
per centum;

25

- on any excess of the
relevant part of the
taxable income up to ten
million rupees shall be at
fourteen *per centum*;
and

30

35

- on any balance relevant part of the taxable income shall be at sixteen *per centum*.”.

5 **21.** The following new sections are inserted immediately after section 59H of the principal enactment and shall have effect as sections 59I, 59J, 59K, 59L and 59M of that enactment :-

Insertion of sections 59I, 59J, 59K, 59L and 59M of the principal enactment.

10 “Rate of income tax applicable to profits and income of any manufacturing company which carries on an expansion of such business to any Province other than the Western Province.

15 59I. The tax rate applicable on the profits and income of an existing company carrying on a business of manufacture of products (other than liquor or tobacco), on expansion of the manufacturing of such products of such company in any Province other than the Western Province (not by relocating the existing company or part thereof), by investing in the acquisition of fixed assets (other than land or building) not less than three hundred million rupees for any year of assessment commencing on or after April 1, 2015 but prior to April 1, 2017, and which is liable to pay income tax at the rate specified in item 3 of PART-B of the Second Schedule to this Act, shall be reduced by fifty *per centum* up to a maximum not exceeding five hundred million rupees, for the year of assessment in which such company commences the commercial operations of such expansion project and another four years of assessment immediately succeeding that year of assessment.

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35 Rate of income tax applicable to the profits and income of a new company engaged in any manufacturing business.

59J. The tax rate applicable on the profits and income of any company which is registered with the Department of Inland Revenue for tax purposes on or before December 31, 2015 with a committed investment in excess of five hundred million rupees, to be made in any manufacturing business (other than liquor or tobacco based products) not by splitting-up or re - construction of an existing undertaking of

- any nature within the specified period as approved by the Commissioner General, shall be reduced by fifty *per centum* for the year of assessment in which such company commences the commercial operations and for consecutive period of six years of assessment immediately succeeding that year of assessment, if the applicable rate of income tax is twenty eight *per centum*.
- 5
- 10 Income tax payable by local manufacturer who is in the business since 1970.
- 15
- 20
- 25 Income tax payable by local entrepreneurs engaged in intercropping activities or vegetable and food processing activities.
- 30
- 59K. Such part of the tax computed in accordance with this Act, for any year of assessment commencing on or after April 1, 2015, as being payable by any manufacturer who has been in the business of manufacturing since the year nineteen seventy and sustained competitiveness with imports, shall notwithstanding anything to the contrary in any other provisions of this Act, be reduced by ten *per centum*, on the profits and income from the sales made on such manufactured products (other than liquor or tobacco based products) in the local market which is liable to tax at the maximum rate of twenty eight *per centum* on the profit on ssuch sales.
- 59L. Such part of the tax computed in accordance with this Act, for any year of assessment commencing on or after April 1, 2015, as being payable by any local entrepreneurs engaged in the intercropping activities or vegetable and food processing activities, be reduced by fifty *per centum*, on the profits and income from such activities.

For the purpose of this section :

- “local entrepreneur” means, a person who is a citizen of Sri Lanka and
- 35

includes a company or partnership,
the controlling interest of which is
held by Sri Lankans;

5 “Intercropping activities” means,
cultivation of two or more crops
simultaneously on the same field;

10 “vegetable and food processing
activities” means, processing of
vegetables or foods by any person
with not less than thirty five percent
of local value addition and the final
product shall consist of not less than
seventy *per centum* of locally grown
vegetables or locally manufactured
15 foods.

Income tax payable by a person on an undertaking located in any lagging region.
20 59M. Such part of the tax computed in
accordance with this Act, as being payable by
any person being a manufacturer or provider of
services who made investment in any
undertaking for the manufacture or the
provision of services located in any lagging
region in a sum of not less than two hundred
and fifty million rupees on or after February 1,
2015 but prior to March 31, 2017, shall
25 notwithstanding anything to the contrary in any
other provisions of this Act, be reduced by fifty
per centum, on the profits and income of such
person for the year of assessment in which such
undertaking commences business operations
30 and another four years of assessment
immediately succeeding that year of
assessment.

35 For the purpose of this section “lagging
region in relation to any year of assessment
means, any Divisional Secretary’s Division as

being in a state of economic backwardness as specified, by the Commissioner-General by Notice published in the Gazette in consultation with any appropriate authority within whose jurisdiction such Division comes and with the approval of the Minister.”.

22. Section 61 of the principal enactment as last amended by the Act, No. 22 of 2011 is hereby further amended in subparagraph (ii) of paragraph (b) of subsection (1) of that section, by the substitution for the words and figures “distributable profits of such company for the year of assessment”, of the words and figures “distributable profits of such company other than a company referred to in paragraph (h) of the first proviso to paragraph (a) of subsection (1) of section 25, for the year of assessment”.

Amendment of section 61 of the principal enactment.

23. Section 63 of the principal enactment as last amended by the Act, No. 8 of 2014 is hereby further amended by the addition at the end of that section, of the following paragraph:-

Amendment of section 63 of the principal enactment.

“For the purpose of this section the profits and income from such dividends which form part of the profits under section 3(a) of this Act, means profits and income after deducting expenses in ascertaining the profits from such business of receiving dividends.”.

24. Section 94 of the principal enactment is hereby amended as follows:-

Amendment of section 94 of the principal enactment.

- (1) by the substitution for the word “royalties” wherever it occurs in that section, of the words “royalties or fees for technical services”;
- (2) in paragraph (b) of that section for the words and figures “under section 32,”, of the words and figures “under section 25,”; and

- (3) by the addition at the end of that section , of the following new paragraph:-

5 “For the purpose of this section the term “fees for technical services” means payments of any kind, received as consideration for managerial or technical or consultancy services including the provision of services of technical or other personnel other than employment or professional services performed through a fixed base.”.

- 10 **25.** Section 95 of the principal enactment as last amended by the Act, No. 22 of 2011 is hereby further amended in subsection (1) of that section as follows:-

Amendment of section 95 of the principal enactment.

- 15 (1) in paragraph (b) of that subsection by the substitution for the words “rent, ground rent, royalty”, of the words “rent, ground rent, royalty including fees for technical services”;
- (2) in paragraph (aaa) of the proviso to that subsection, by the substitution for the words “ provision of this Act; and”, of the words “ provision of this Act;”;
- 20 (3) in paragraph (b) of the proviso to that subsection, by the substitution for the words “ banking unit.”, of the words “ banking unit ; and”; and
- (4) by the addition immediately after paragraph (b) of the proviso to that subsection, of the following new paragraph:-
- 25

30 “(c) for any year of assessment commencing on or after April 1, 2015, no deduction shall be made under this section from any interest paid to any individual on money deposited in any bank or financial institution and tax is deductible on such interest at the rate of two and a half *per centum* as referred to in section 133 of this Act.”.

26. The following new section is hereby inserted immediately after section 105A of the principal enactment and shall have effect as section 105B of that enactment:-

Insertion of new section as section 105B in the principal enactment.

5 “The use of electronic communications or electronic records.
 (1) The Minister may, on the recommendation of the Commissioner-General make regulations for the purpose of authorizing or facilitating the use of electronic communications or electronic records in respect of matters specified in section 8 of the Electronic Transactions Act, No. 19 of 2006.
 10

(2) For the purpose of application of the electronic means in filing returns, submitting information and documents, the relevant sections of the Act are amended as follows
 15 which shall come into effect on such date as the Minister may appoint by Order published in the Gazette.

(a) in sections 28 (4), 36(2)(b), 70(1), 73(1), 76(3), 95(2), 104(2), 104A(2), 111, 112, 118, 119, 122, 125(1), 130, 133, 162, 163, 165 and 177 by the substitution for the words “in writing” wherever it occurs in those sections, of the words “in writing or electronic means”,
 20
 25 respectively;

(b) in sections 106 and 107 the words “in writing”, wherever it arising relating to the filing of return, issue of notices, submission of information or documents for the purposes of those sections, by the substitution, of the words “in writing or electronic means”, respectively;
 30

- 5 (c) in section 107 in paragraph (a) and in paragraph (b) of the proviso of subsection (1) of that section, by the substitution for the words “published in the *Gazette*.”, of the words “published in the *Gazette* or official website of the department of Inland Revenue.”, respectively.

10 **27.** Section 106 of the principal enactment, as last amended by the Act, No. 8 of 2014 is hereby further amended in paragraph (c) of the proviso to subsection (1) of that section, by the substitution for the words “income tax at the rate of ten *per centum* has been deducted”, of the words “income tax at the rate specified for the purpose of deduction
15 has been deducted”.

Amendment of section 106 of the principal enactment.

20 **28.** Section 107 of the principal enactment, as last amended by the Act, No. 8 of 2014 is hereby further amended by the repeal of paragraph (aa) of subsection (3) of that section and the substitution therefor, of the following new paragraph:-

Amendment of section 107 of the principal enactment.

“(aa) “approved accountant” for any year of assessment commencing on or after April 1, 2014 means:

- 25 (i) an accountant who is a member of the Institute of Chartered Accountant of Sri Lanka; or
- 30 (ii) an accountant who is a member of the Association of Accounting Technicians of Sri Lanka incorporated under the Companies Act, No. 07 of 2007 in a case of an institution the annual turnover does not exceed five hundred million rupees and for which the adoption of Sri Lanka Accounting Standards which consist of Sri Lanka Financial Reporting Standards (SLFRS) and Lanka

Accounting Standards (LKAS), in the preparation of its financial statements is not mandatory;”.

- 29.** Section 115 of the principal enactment as last amended by Act, No. 8 of 2012 is hereby further amended in paragraph (a) of subsection(1) of that section by the substitution for sub-paragraph (i), of the following new sub-paragraph:-

Amendment of section 115 of the principal enactment.

“(i) receives remuneration:

- 10 (A) for any year ending prior to April 1, 2015, in excess of fifty thousand rupees per month or six hundred thousand rupees per year: or
- 15 (B) for any year commencing from April 1, 2015, in excess of sixty two thousand and five hundred rupees per month or seven hundred and fifty thousand rupees per year;”.

- 30.** Section 133 of the principal enactment as last amended by the Act, No. 8 of 2014 is hereby further amended in subsection (4) of that section as follows:-

Amendment of section 133 of the principal enactment.

(1) in paragraph (a) of that subsection-

- 25 (a) in sub-paragraph (i) of that paragraph, by the substitution for the words “of such interest; and”, of the words “of such interest;”;
- 30 (b) in sub-paragraph (ii) of that paragraph by the substitution for the words “any partnership”, of the words and figures “for any year of assessment ending prior to April 1, 2015, any partnership”;

- (c) by the addition at the end of sub-paragraph (ii) of that paragraph, of the following new sub-paragraphs:-

- 5 “(iii) for any year of assessment commencing on or after April 1, 2015 any partnership, charitable institution or any individual the deduction shall be made at the rate of two and a half *per centum* of such interest; and
- 10 (iv) for any year of assessment commencing on or after April 1, 2015, body of persons the deduction shall be made at the rate of eight *per centum* of such interest.”;
- 15 (2) by the substitution in paragraph (b) of that subsection, for the words “any year of assessment, that its assessable income for that year of assessment”, of the words and figures “any year of assessment ending prior to April 1, 2015, that its
- 20 assessable income”;
- 25 (3) by the substitution in paragraph (c) of that subsection, for the words “any individual then, in relation to any year of assessment where”, of the words and figures “any individual then, in relation to any year of assessment ending prior to April 1, 2015 where”; and
- 30 (4) by the substitution in paragraph (d) of that subsection, for the words “deduction shall be made, at the rate of eight *per centum* of such interest:”, of the words and figures “deduction shall be made for any year of assessment ending prior to April 1, 2015 at the rate of eight *per centum* of such interest:”.

31. Section 137 of the principal enactment as last amended by the Act, No. 8 of 2014 is hereby further amended by the addition immediately after subsection (3) of that section, of the following new subsection:-

Amendment
of section
137 of the
principal
enactment.

- 5 “(4) Any balance amount of national tax credit entitled
to be claimed by any business of insurance prior to
segregation, or any bank, financial institution or
leasing company which is acquired, merged or
10 amalgamated, as the case may be, shall
notwithstanding any other provisions of this Act ,
be deemed to be an allowable deduction subject to
the conditions, if it would have been claimable if
not for such segregation (being a business of an
15 insurance), or acquisition, merger or amalgamation
of such bank, financial institution or leasing
company.”.

32. Section 139 of the principal enactment as last amended by the Act, No. 10 of 2007 is hereby further amended by the repeal of subsection (1) of that section and the
20 substitution therefor, of the following new subsection:-

Amendment
of section
139 of the
principal
enactment.

“(1) For any year of assessment:

- (a) ending prior to April 1, 2015, any person or
partnership from whose interest income the
income tax is deductible by a bank or
25 financial institution, or a company which
issues any corporate debt security in
accordance with the provisions of section
133 or section 135 and such interest income
will form part of the assessable income of
30 such person or divisible profit or income
of the partnership, as the case may be, for
any year of assessment, may, if the amount
of income tax payable by him or the relevant
partners for such year of assessment is less
35 than the income tax deductible during that

5 year of assessment under section 133 or
section 135, make an application to the
Commissioner-General in such form and
containing such particulars as may be
specified by the Commissioner General,
requesting that a direction be issued to that
bank or financial institution or any
company which issues corporate debt
security, to make the necessary
10 adjustments in the deduction of income tax
in that year of assessment; and

(b) commencing on or after April 1, 2015 any
person (other than an individual or a
partnership) from whose interest income
the income tax is deductible by a bank or
15 financial institution in accordance with the
provisions of section 133 and such interest
income will form part of the assessable
income of such person for any year of
assessment, may, if the amount of income
tax payable by such person for such year
of assessment is less than the income tax
deductible during that year of assessment
under section 133, make an application to
25 the Commissioner-General in such form and
containing such particulars as may be
specified by the Commissioner General,
requesting that a direction be issued to that
bank or financial institution to make the
necessary adjustments in the deduction of
30 income tax in that year of assessment.”.

33. Section 150 of the principal enactment is hereby
amended in subsection (1) of that section, by the substitution
for the words “and shall furnish a return to the Commissioner-
35 General on a monthly basis containing such particulars as
may be specified by the Commissioner-General in relation to
such deductions.”, of the words and figures,

Amendment
of section
150 of the
principal
enactment.

“and shall furnish a return to the Commissioner-General:

(a) on a monthly basis, for any year of assessment commencing prior to April 1, 2015; and

5 (b) on a quarterly basis, for any year of assessment commencing on or after April 1, 2015,

containing such particulars as may be specified by the Commissioner-General in relation to such deductions.”.

10 **34.** Section 159 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution
 for the words “and shall furnish a return on monthly basis,
 containing such particulars as may be specified by the
 Commissioner-General in relation to such activity.”, of the
 15 words and figures,

Amendment
of section
159 of the
principal
enactment.

“and shall furnish a return:

(a) on a monthly basis, for any year of assessment commencing prior to April 1, 2015 ; and

20 (b) on a quarterly basis, for any year of assessment commencing on or after April 1, 2015,

containing such particulars as may be specified by the Commissioner-General in relation to such activity.”.

25 **35.** Section 163 of the principal enactment as last amended by the Act, No. 8 of 2014 is hereby further amended in subsection (5) of that section by the repeal of the first proviso to that subsection and substitution therefor, of the following proviso:-

Amendment
of section
163 of the
principal
enactment.

“Provided, that nothing in this subsection shall apply to the assessment of income tax payable by any person in respect of any year of assessment, consequent to-

- 5 (i) the receipt by such person of any arrears relating to the profits from employment of that person for that year of assessment;
- (ii) any adjustment made in line with the adoption of the Sri Lanka Financial Reporting Standards for the year of assessment in which such adoption was made; or
- 10 (iii) any profits and income or the loss ascertained in accordance with the provisions referred to in section 104 or section 104A, as the case may be, for any year of assessment commencing on or after April 1, 2013, for any period before the expiry of five years from the date of receipt of such return, where the Commissioner General is in the opinion that:
 - 15 (A) the profits and income or the loss referred to in section 104, of any person, has not been ascertained having regard to the arm's length price, and issue of such assessment is not contrary to any provision of an agreement in force for the relief of double taxation between the Government of Sri Lanka and the Government of any territory in which such person is resident; or
 - 20 (B) the profits and income or the loss referred to in section 104A, of any person, has not been ascertained having regard to the arm's length price:”.
 - 25
 - 30

36. Section 212 of the principal enactment as last amended by the Act, No. 8 of 2014 is hereby further amended in subsection (2) of that section as follows:-

Amendment of section 212 of the principal enactment.

- (1) by the substitution in the paragraph (e) of that subsection for the words “Sri Lanka are changed.”, of the words “Sri Lanka are changed;”; and
- (2) by the addition immediately after paragraph (e) of that subsection, of the following new paragraphs:-
- “*(f)* guidelines for the calculation of qualifying payment relating to cost of acquisition or merger of any bank, financial institution or leasing company and the continuation of tax neutral position after acquisition, merger or amalgamation, as the case may be, for the purpose of this Act and other Acts administered by the Commissioner-General.;
- “*(g)* rules and guidelines for the implementation of the use of electronic communication or electronic records with regard to the Acts administered by the Commissioner-General from time to time as required.”.
- 37.** The Second Schedule to the principal enactment as last amended by Act, No. 8 of 2014 is hereby further amended as follows:-
- (1) by the substitution in item (3) of PART-A of that Schedule, for the words “Any unit trust management company on the taxable income-”, of the words “Any unit trust management company on the taxable income from the management of any unit trust-”;
- (2) by the substitution in item (1) (c) of PART-B of that Schedule, for the words and figures ,
- “For any year of assessment commencing on or after April 1, 2011 –
- Any company other than any company engaged in the manufacture of any article or in the provision of any services –”, of the words and figures

Amendment
of the Second
Schedule to
the principal
enactment.

“For any year of assessment commencing on or after April 1, 2011, but prior to April 1, 2014 –

Any Company –”;

5 (3) by the substitution in item (d) of PART – B of that Schedule, for the words and figures ,

“ For any year of assessment commencing on or after April 1, 2011, but prior to April 1, 2014 –

10 any company engaged in the manufacture of any article or in the provision of any service-”, of the words and figures

“For any year of assessment commencing on or after April 1, 2014-

15 any company other than any company engaged in the manufacture of any article or in the provision of any service-”.

38. The Fifth Schedule to the principal enactment as last amended by Act, No.8 of 2014 is hereby further amended by the repeal of item 46 thereof. Amendment of the Fifth Schedule to the principal enactment.

39. The amount of tax charged or collected from any person by or on behalf of the Commissioner-General, by virtue of the application of any provision of this Act, during the period commencing on 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 and lawfully charged or collected under this Act by the Commissioner-General or by such person who charged or collected such tax on behalf of the Commissioner-General: Validation.

30 Provided that, the aforesaid provision shall not affect any decision or order made by any Court or any proceedings pending in any Court in respect of any tax charged or collected during such period.

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

Sinhala text
to prevail in
case of
inconsistency.

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