

PARLIAMENT OF THE DEMOCTARIC

SOCIALIST REPUBLIC OF

SRI LANKA

NATION BUILDING TAX (AMENDMENT)

ACT. No. 9 OF 2012

(Certified on 30th March, 2012)

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STATEMENT OF LEGAL EFFECT

Clauses 2 : This clause amends section 3 of the Nation Building Tax Act No. 9 of 2009

(hereinafter referred to as the “principal enactment”) and the legal effect of the section as

amended is to exempt persons carrying on the business of manufacture of the certain

articles from the payment of the Nation Building Tax Act.

Clauses 3 : This clause amends section 6 of the principal enactment and the legal effect

of the section as amended is to provide for an advance payment of tax if a credit for any

relevant quarter exceeds the tax so payable for that quarter.

Clauses 4 : This clause amends the Part 1 of the First Schedule of the principal

enactment and the legal effect of the section as amended is to extend the scope of Part 1 by

the insertion of new items as exceepted articles into the Part 1 of the First Schedule of the

Act.

Clauses 5 : This clause includes an indemnity clause to the period commencing from

January 1, 2012 and ending on the date of the coming into operation of this Act.

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L. D.—O. 5/2012.

AN ACT TO AMEND THE NATION BUILDING TAX ACT, NO. 9 OF 2009

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows :-

1. This Act may be cited as the Nation Building Tax Short title and

(Amendment) Act, No. 9 of 2012 and shall be deemed to date of

have come into operation from January 1, 2012 unless operation.

different dates of operation are specified in the relevant

sections.

2. Section 3 of the Nation Building Tax Act, No. 9 of Amendment to

2009 (hereinafter referred to as the “principal enactment”) is section 3 of Act,

No. 9 of 2009.

hereby amended in paragraph (iv) of subsection (2) thereof

as follows :-

(1) by the repeal of sub-paragraph (2) thereof and the

substitution therefor of the following sub-

paragraph:-

“(2) sugar, dhal, potatoes, onions, dried fish, milk

powder or chilies under the provisions of the

Special Commodity Levy Act, No. 48 of 2007,

where such article is subsequently sold by

the importer of such article; and”;

(2) by the substitution in sub-paragraph (3) for the

words “foreign currency.” of the words “foreign

currency;”; and

(3) by the addition immediately after sub-paragraph

(3) of that paragraph, of the following sub

paragraphs:-

“(4) any printed book (with effect from July 1,

2011);

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(5) any article exported;

(6) any article sold to any exporter for export;

(7) fresh milk, green leaf, cinnamon or rubber

(latex, crape or sheet rubber) purchased from

any manufacturer or producer thereof; and

(8) petrol, diesel or kerosene sold in a filling

station.”.

Amendment of 3. Section 6 of the principal enactment is hereby

section 6 of

amended by the substitution for the words “manufactured

principal

enactment. by such person which are liable to tax under this Act”, of the

following :-

“manufactured by such person, which are liable

to tax under this Act:

Provided that where such credit for any relevant

quarter exceeds the tax so payable for that quarter,

the excess shall be deemed to be an advance

payment of tax paid under section 4 for the quarter

immediately succeeding that relevant quarter.”.

Amendment of 4. The First Schedule to the principal enactment is

First Schedule of

the principal hereby amended as follows :-

enactment.

(1) in PART I of that Schedule :-

(a) by the substitution in item (iii) for the words

“has in fact been exported from Sri Lanka;”

of the words “has in fact been exported from

Sri Lanka by such exporter directly or through

a trading house established for export

purposes (with effect from January 1, 2009);”;

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(b) by the insertion immediately after item (xvi),

of the following new item:-

“(xviA) any goods (other than motor

vehicles and goods for personal

use) required for the purpose of

providing of services being

international transportation,

being goods consigned to

Sri Lankan Air Lines Ltd, Mihin

Lanka (Pvt) Ltd or Air Lanka

Catering Services Ltd;”;

(c) by the insertion immediately after item (xxvi),

of the following new items :-

“(xxvii) aircraft or ships classified under

Harmonized Commodity

Description and Coding Numbers

for Customs purposes at the point

of importation (with effect from

August 1, 2009);

(xxviii) timber logs classified under

Harmonized Commodity

Description and Coding Numbers

for Customs purposes at the point

of importation;

(xxix) yarn classified under Harmonized

Commodity Description and

Coding Numbers for Customs

purposes at the point of

importation;

(xxx) white canes for the blind,

classified under Harmonized

Commodity Description and

Coding Numbers for Customs

purposes at the point of

importation (effective from

December 1, 2011);

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(xxxi) braille typewriters classified

under Harmonized Commodity

Description and Coding Numbers

for Customs purposes at the point

of importation (effective from

December 1, 2011);

(xxxii) parts of braille typewriters

classified under Harmonized

Commodity Description and

Coding Numbers for Customs

purposes at the point of

importation (effective from

December 1, 2011);

(xxxiii) braille writing papers and boards

under Harmonized Commodity

Description and Coding Numbers

for Customs purposes at the point

of importation;

(xxxiv) carriages for disabled persons,

whether or not motorized or

otherwise mechanically

propelled, classified under

Harmonized Commodity

Description and Coding Numbers

for Customs purposes at the point

of importation (effective from

December 1, 2011);

(xxxv) orthopaedic appliances

(including crutches, surgical

belts and trusses splints and other

fracture appliances, artificial parts

of the body, hearing aids and

other appliances which are worn

or carried or implanted in the

body, to compensate for a defect

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or disability) classified under

Harmonized Commodity

Description and Coding Numbers

for Customs purposes at the point

of importation (effective from

December 1, 2011);

(xxxvi) fabric which are subject to Cess

of Rs.75 per kilogram at the point

of import;

(xxxvii) locally manufactured clay roof

tiles and pottery products, at the

point of sale by the manufacturer;

and

(xxxviii) paintings, at the point of sale by

the artist thereof.”.

5. Where the Commissioner-General of Inland Revenue Indemnity.

or the Director-General of Customs as the case may be,

collects under the provisions of section 4 or section 5

respectively of the principal enactment, the tax calculated

considering the provisions of this Act, during the period

commencing on January 1, 2012 and ending on the date of

the coming into operation of this Act from a person to whom

the provisions of this Act applies, such collection shall be

deemed for all purposes to have been, and to be, validly

made, and the Commissioner-General of Inland Revenue

and the Director-General of Customs, as the case may be, are

hereby indemnified against all actions, civil or criminal in

respect of such collection.

6. In the event of any inconsistency between the Sinhala Sinhala text to

prevail in case

and Tamil texts of this Act, the Sinhala text shall prevail.

of inconsistency.

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