

THE '[KHYBER PAKHTUNKHWA]
FINANCE ACT, 1995.
(?[KHYBER PAKHTUNKHWA] ACT NO. I OF 1995)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Development cess on marble.
314. Deleted]
415. Deleted]
6. Registration of Power Crushers installed for crushing stones, minerals, rocks, etc.

°[7. Registration of visual cassettes trade and Video Games Centers]

8. Amendment of Act II of 1899.

9. Amendment of section 3 of °[Khyber Pakhtunkhwa] Act No. IV of 1949.

10. Amendment of the Schedule to West Pakistan Act XXXII of 1958.

11. Amendment of West Pakistan Act No. I of 1965.

12. Amendment of '[Khyber Pakhtunkhwa] Ordinance No. IX of 1980.

13. Application of existing laws.

14. Bar of suit in Civil Court.

15. Power to make rules.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

3Deleted vide Khyber Pakhtunkhwa Finance Act, 2004

“Deleted vide Khyber Pakhtunkhwa Finance Ordinance II of 2000

*Substituted vide Khyber Pakhtunkhwa Act No. III of 1997

°Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

THE '[KHYBER PAKHTUNKHWA]
FINANCE ACT, 1995.

(?[KHYBER PAKHTUNKHWA] ACT NO. I OF 1995)

[First published after having received the assent of the Governor of the ?[Khyber Pakhtunkhwa] Pakhtunkhwa] in the Gazette of the "[Khyber Pakhtunkhwa] (Extraordinary), dated the 2" July, 1995)]

AN

ACT

to levy, revise and modify certain taxes, fees, duties and cesses

in the °[Khyber Pakhtunkhwa].

Preamble.---WHEREAS it is expedient to levy, revise and modify certain taxes, fees, duties and cesses in the °[Khyber Pakhtunkhwa];

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the [Khyber Pakhtunkhwa] Finance Act, 1995.

(2) It shall extend to the whole of the *[Province of the Khyber Pakhtunkhwa.

(3) It shall come into force with effect from the 1st day of July, 1995.

2. Definitions.---In this Act, unless the context otherwise requires,-

(a) "Government" means the Government of the *[Khyber Pakhtunkhwa];

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "Schedule" means the Schedule appended to this Act.

3. Development cess on marble.---There shall be levied and collected a development cess on marble at the rate of one hundred rupees per truck at the District Council exit points of the

Districts of Haripur,"[Deleted] Nowshera, Kohat, Laki Marwat and D.I.Khan. The cess will be collected by the concerned District Councils and credited to Government accounts.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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°Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Deleted vide Khyber Pakhtunkhwa Act I of 1996

'14. Deleted]
715. Deleted]

6. Registration of Power Crushers installed for crushing stones, minerals, rocks, etc.---

(1) No person shall crush stones, rocks or minerals, etc., by means of a power crusher unless it is licensed under this section.

(2) The authority having power to grant licence under this section (hereinafter referred to as the Licensing Authority) shall be the Director of Industries, Commerce and Minerals, *[Khyber Pakhtunkhwa].

(3) A person who has already installed power crushers before the commencement of this Act or intends to install a power crusher after such commencement shall apply to the Licensing Authority for the grant of licence within thirty days of such commencement, or, as the case may be, installation.

(4) The application for the grant of licence shall be made in the form specified in Part A of the Schedule and shall be accompanied by a Bank receipt or Treasury challan in token of payment of the licensing fee prescribed under sub-section (8).

(5) The Licensing Authority may, if the applicant fulfills the conditions specified in Part-B of the Schedule and after making such enquiry as may be deemed appropriate, grant him the licence in the form specified in Part-C of the Schedule.

(6) The licence granted under sub-section (5) shall be valid for a financial year, unless renewed before the date of expiry:

provided that, in case of new applicants such licence shall be valid from the date of issue till the 30th day of June next following.

(7) The procedure for renewal of licence shall be the same as provided for the grant of licence.

(8) The fee for the grant of licence shall be "[] rupees per power crusher and the renewal fee for such licence shall be l] rupees per power crusher: crusher:

provided that, in the case of new applicants, the fee shall be proportionately reduced and

for the purpose of assessing the fee in such cases, any broken period of a month shall be counted as full month.

*Deleted vide Khyber Pakhtunkhwa Act No. VI 2004

*Deleted vide Khyber Pakhtunkhwa Ordinance II of 2000

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

"Substituted vide Khyber Pakhtunkhwa Finance Act, 2019.(Khyber Pakhtunkhwa Act No.XXVII of 2019).

*Substituted vide Khyber Pakhtunkhwa Finance Act, 2019.(Khyber Pakhtunkhwa Act No.XXVII of 2019).

(9) The fee may be deposited in the State Bank, National Bank of Pakistan or any Government Treasury.

(10) If a licensee fails to fulfil the conditions specified in Part B of the Schedule or fails to observe any of the restrictions imposed by Part-D of the Schedule, the Licensing Authority may, after giving the licensee an opportunity of being heard, cancel the licence.

(11) The cancellation of licence shall be in addition to and not in derogation of any other punishment prescribed under this Act or the rules made thereunder.

7. '[Registration of visual cassettes trade and Video Games Centres].---(1) No person shall run a visual cassettes shop as a wholesale dealer, retailer or lender of such cassettes, unless it is registered in the prescribed manner and a valid registration certificate issued by the registering authority appointed in this behalf; provided that visual cassettes shop already in existence on the date of coming into force of this Act may, without registration, continue to function, if the owner of the shop has applied for registration within two months of the commencement of this Act and his application for registration has not been rejected.

*[(2) The registration fee for visual cassettes shops falling in category "A" shall be three thousand rupees and for those falling in category "B" shall be two thousand rupees and shall be renewed annually on payment of two thousand rupees in case of shops falling in category 'A' and one thousand rupees in case of shops falling in category 'B'.]

713) Government may, by notification in the official Gazette, require the registration of video games centres from such date and on payment of such registration and renewal fees as may be specified in the notification.]

(4) Any person dealing in visual cassettes trade in contravention of the provisions of this section shall be liable to a fine which may extend to ten times of the registration fee 'Tleviable in his case].

8. Amendment of Act II of 1899.---In the Stamp Act, 1899 (II of 1899), in Schedule I,-
(1) in Article I,-

(i) in clause (a), for the figure and word "15 paisa" the words "one rupee" shall be substituted;

(ii) in clause (b), for the figure and word "50 paisa" the words "two rupees" shall be substituted;

*Substituted vide Khyber Pakhtunkhwa Act No. III of 1997

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*Substituted vide Khyber Pakhtunkhwa Act No. III of 1997

"Substituted vide Khyber Pakhtunkhwa Act No. III of 1997

(iii) in clause (c), for words "one rupee" the words "five rupees" shall be substituted;

(2) for Article 5 the following shall be substituted, namely:

"5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT-

(a) To execute work-

(i) | Where the amount of contract Rs. 200.00 does not exceed fifty thousand rupees.

(ii) Where the amount exceeds fifty Rs. 500.00 thousand rupees but does not exceed five hundred thousand rupees.

(iii) Where the amount exceeds five Rs. 1000.00 hundred thousand rupees but does not exceed one million rupees.

(iv) Where the amount exceeds one Rs. 2000.00 million rupees but does not exceeds five million rupees.

(v) Where the amount exceeds five Rs. 4000.00 million rupees.

(b) To procure Stores and 10 paisa for every Rs.

Materials 100.00 or part thereof of the amount of the contract.

(c) If relating to the sale of a One rupee.

bill of exchange.

(d) If relating to the sale of Fifty paisa for every Government security. Rs. 10,000 or part thereof of the value of the security, subject to a maximum of fifty

rupees.

(e) If relating to the sale of a Twenty-five paisa for share in an incorporated every Rs. 5,000 or

company or other body part thereof of the

corporate. value of the share.

(f) If not otherwise provided Ten rupees.

for.

Exemptions

Agreement or Memorandum of an Agreement-

(a) for or relating to the purchase or sale of goods or merchandise exclusively, not being a NOTE or MEMORANDEUM chargeable under No. 43;

(b) made in the form of tenders to the Federal Government for or relating to any loan.”;

(3) in Article 48,-

(i) in clause (a), for the words “ten rupees” the words “one hundred rupees” shall be substituted;

(ii) in clause (b), for the words “ten rupees” the words “one hundred rupees” shall be substituted;

(iii) — in clause (c), for the words “fifty rupees” the words “two hundred rupees” shall be substituted;

(iv) in clause (d), for the words “sixty rupees” the words “two hundred and fifty rupees” shall be substituted.

9. Amendment of section 3 of the Khyber Pakhtunkhwa] Act No. IV of 1949.---In the *[Khyber Pakhtunkhwa] Development Cess Act, 1949 [Khyber Pakhtunkhwa] Act No. IV of 1949), in section 3, for the words “fifteen paisa”, wherever occurring, the words “eighteen paisa” shall be substituted.

10. Amendment of the Schedule to West Pakistan Act XXXII of 1958.---In the West Pakistan Motor Vehicles Taxation Act, 1958 (W.P. Act. No. XXXII of 1958), in the Schedule, in the entry at serial No. 3,-

(i) in clause (c), for the figure “400” the figure “500” shall be substituted; and

(ii) in clause (d), for the figure “628” the figure “820” shall be substituted.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

11. Amendment of West Pakistan Act No. I of 1965.---In the West Pakistan Finance Act, 1965 (W.P. Act No. 1 of 1965), in section 12, for sub-section (1) the following shall be substituted, namely:

“(1) | There shall be levied and collected every year a tax on hotels, payable by the

owner or management thereof at the following rates:-

(i) | Where daily charges per lodging unit in a hotel Rs. 5.00 per exceed Rs. 100.00 but do not exceed Rs. 199.00 lodging unit per

day.

(ii) Where such daily charges in a hotel exceed Rs. Rs. 10.00 per 199.00 unit but do not exceed Rs. 399.00. lodging unit per

day.

(iii) Where such daily charges in a hotel exceed Rs. Rs. 60.00 per 399.00 but do not exceed Rs. 599.00 lodging unit per

day.

(iv) Where such daily charges in a hotel exceed Rs. Rs. 100.00 per 999.00 lodging unit per

day.”.

12. Amendment of '[Khyber Pakhtunkhwa] Ordinance No. IX of 1980.---In the [Khyber

Pakhtunkhwa] Finance Ordinance, 1980 ([Khyber Pakhtunkhwa] Ord. No IX of 1980), in the Second Schedule, in the entries at serial No. 10,-

(i) in clause (c), for the figure “1000” the figure “2000” shall be substituted; and

(ii) for clause (d) the following shall be substituted, namely:

“(d) in respect of other vehicles,-

(i) below 1000 C.C. engine capacity; 550

(ii) from 1000 C.C. engine capacity 650 upto 1250 C.C. engine capacity.

(iii) — from 1250 C.C. engine capacity 850 upto 1500 C.C.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

(iv) exceeding 1500 C.C. engine capacity. 1200.”.

13. Application of existing laws.---Where any tax, fee or cess imposed by this Act is by way of an addition to, the procedure provided in such enactment and the rules framed thereunder for the assessment, collection and recovery of such tax, fee or cess shall, so far as applicable, apply to the assessment, collection and recovery of the additional tax, fee or cess.

14. Bar of suit in Civil Court.---No suit shall lie in any Civil Court to set aside or modify any assessment, levy or collection of a tax, fee, duty, or cess made under this Act and the rules thereunder.

15. Power to make rules.---Government may make rules for carrying into effect the purposes of this Act, and such rules may, among other matters, prescribe the procedure for the assessment, collection and payment of any tax, fee or cess levied or imposition of any penalty under this Act, in so far as such procedure is not provided for in this Act.