

THE '[KHYBER PAKHTUNKHWA]
FINANCE ACT, 1998.

(?[KHYBER PAKHTUNKHWA] ACT NO. II OF 1998)

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THE °[KHYBER PAKHTUNKHWA]
FINANCE ACT, 1998.

([KHYBER PAKHTUNKHWA] ACT NO. II OF 1998)

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AN

ACT

to continue, levy and revise rates of certain taxes, duties and fees in the °[Khyber
Pakhtunkhwaj].

Preamble.---WHEREAS it is expedient to continue, levy and revise rates of certain
taxes, duties and fees 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, 1998.

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

(3) It shall come into force with effect from the 1st day of July, 1998, except clause
(i) of section 5, which shall be deemed to have taken effect on the 1st day of July, 1997.

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.

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

(a) in Article 4, for the word "Fifteen" the word "Twenty" shall be substituted;

(b) in Article 5,-

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(i) in clause (ii), for the figure "500.00" the figure "1000.00" shall be substituted;

(ii) in clause (iii), for the figure "1000.00" the figure "1500.00" shall be substituted;

(iii) in clause (iv), for the figure "2000.00" the figure "5000.00" shall be substituted; and

(iv) in clause (v), for the figure "4000.00" the figure "15000.00" shall be substituted;

after Article 11, the following new Article shall be inserted, namely:

"LLA. AIR TICKET issued by an Airline or a Travelling Agency—

(i) for domestic flights | Twenty five rupees per ticket.

(ii) for international Two hundred and fifty flights rupees per ticket.";

after Article 12, the following new Article shall be inserted, namely:

"12A. BANK GUARANTEE that is Twenty five paisa for every to say the Guarantee to be issued by one hundred rupees or part any Scheduled Bank. thereof of the value of the Guarantee.";

in Article 17, for the word "Thirty" the word "Fifty" shall be substituted;

in Article 22, for the word "One" the word "Two" shall be substituted;

in Article 23, for the words "Rupees three", wherever occurring, the words "Two rupees and fifty paisa" shall be substituted;

in Article 42, for the word "Ten" the word "Twenty" shall be substituted;

in Article 46, in the entry under the heading

"A.- INSTRUMENT OF",-

(i) in clause (a), for the words "One hundred" the words "One hundred _ ten" shall be substituted; and

(ii) in clause (b), for the words "Two hundred and fifty" the | words "Three hundred" shall be substituted; and

Gj) in Article 48,-

(i) in clause (b), for the words "One hundred and fifty" the words "Two hundred" shall be substituted;

(ii) in clause (c), for the words "Three hundred" the words "Six hundred" shall be substituted; and

(iii) in clause (d), for the words "Three hundred and fifty" the words "Seven hundred" shall be substituted.

4. Amendment of W. P. Act XXXII of _1958.---In the West Pakistan Motor Vehicles Taxation Act, 1958 (W.P. Act XXXII of 1958),-

(a) in section 3, in sub-section (1), the full-stop appearing at the end of second proviso shall be replaced by a colon and thereafter the following new proviso shall be added, namely:

"Provided also that the tax on a motor cycle, including a motor cycle drawing a side trailer or cabin therewith, and a scooter shall be levied lumpsum once for all in the manner and at the rate specified at serial No. 1 of the Schedule."; and

(c) in the Schedule, for the existing entries at serial No. 1 the following shall be substituted, namely:

1 2 3

"1. Motor Cycles and Scooters-

(a) in case of those already registered-

(i) _ where registration period 500.00 once for all does not exceed 3 years;

(ii) | where it exceeds 3 years 350.00 once for all but does not exceed 6 years;

(iii) where it exceeds 6 years but does —_ 200.00 once for all not exceed 10 years;

(iv) where it exceeds 10 years; and 100.00 once for all
(b) in case of new registration-

(i) — Scooter and motor cycles drawing 1200.00 once for all trailer or cabin,

(ii) | Scooter and motor cycles without 800.00 once for all trailer or cabin.

Explanation:- The tax, in the case of motor cycles and scooters already registered, shall be payable at the time of renewal of the existing token tax and in other cases at the time of registration."

5. Amendment _of '[Khyber Pakhtunkhwa] Act IV_of 1990.---In the '[Khyber Pakhtunkhwa] Finance Act, 1990 ('[Khyber Pakhtunkhwa] Act IV of 1990), in the Table

appended thereto,-

(i) for the existing entry at S. No. 10, the following shall be substituted, namely:-

"10. Doctors-

(a) Specialists Rs. 1000.00

(b) Non-Specialist, including Medical Rs.300.00;and

Practitioners with at least LSMF,
Hakeems and Homeopaths.

(ii) after the existing entries at serial No. 10 the following new entries shall be inserted, namely:

"10A. Advocates-

(a) practising in the Supreme Court Rs.1000.00
and the High Court; and

(b) practising in Sessions Courts and lower Rs.300.00.". Courts.

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6. Amendment of _'[Khyber Pakhtunkhwa] Act I of 1995.---In the '[Khyber Pakhtunkhwa] Finance Act, 1995 (°'[Khyber Pakhtunkhwa] Act I of 1995), in section 6, in sub-section (8), for the words "one thousand" and the words "five hundred", the words "two thousand" and the words "one thousand" shall respectively be substituted.

7. Amendment _of 7'[Khyber Pakhtunkhwa] Act I of 1996.---In the ~[Khyber

Pakhtunkhwa] Finance Act, 1996 ("~[Khyber Pakhtunkhwa] Act I of 1996), for section 11 the following shall be substituted, namely:

"11. Tobacco Development Cess.---(1) There shall be levied and collected a development cess on tobacco and its by products at the following rates:

- (a) Tobacco leaf . Rs. 2.00 per kilogram
- (b) Choorā . Rs. 0.50 per kilogram
- (c) Naswar . Rs. 0.50 per kilogram
- (d) Dandy . Rs. 0.25 per kilogram
- (e) Kara . Rs. 0.25 per kilogram
- (f) Khaka . Rs. 0.25 per kilogram
- (g) Rorh . Rs. 0.25 per kilogram

(2) The Tobacco Development Cess leviable under sub-section (1) shall be collected at District Council exit points of the Districts of Nowshera, Kohat, Lakki Marwat and D.I. Khan, and at the buying points in so far as the Districts of Mansehra, Abbottabad and Haripur are concerned, or in such other manner as may be laid down by Government from time to time.

(3) It shall be the responsibility of the District Councils concerned to collect the Cess leviable under sub-section (2) and deposit it in the Government Account within a week of its realization.

8. Registration of Printing Presses.---(1) Notwithstanding anything to the contrary contained in any law for the time being in force, no person shall run a printing press, unless it is registered in the prescribed manner and a valid registration certificate issued by the registering authority appointed in this behalf; provided that a printing press, already in operation on the date of coming into force of this Act, may, without registration, continue to function, if the owner or proprietor thereof has applied for registration within two months of the commencement of this Act and his application for registration has not been rejected.

(2) For the purpose of sub-section (1), the Deputy Commissioner of the District concerned shall be the registering authority.

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(3) The registration and renewal fees in respect of a small printing press shall respectively be two thousand rupees and five hundred rupees per annum and for a big printing press ten thousand rupees and two thousand rupees per annum.

Explanation.- For the purposes of this section "small printing press" shall mean a printing press installed with a capital value of one hundred and fifty thousand rupees and those installed with a capital value exceeding the said amount shall fall within the category of "big printing press".

9. Recover_of professional tax imposed by Local Councils.---Notwithstanding the procedure provided for in the North-West Frontier Province Local Government Ordinance, 1979

(NWFP Ord. IV of 1979), or the rules made thereunder, the professional tax, where levied by a Local Council, shall be recovered by government on behalf of the Local Council concerned in such manner as it may, by notification in the official Gazette, specify.

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

11. 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 made thereunder.

12. Power _to_ make rules.---Government may make rules for carrying into effect the provisions 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.