

THE '[KHYBER PAKHTUNKHWA]
FINANCE ACT, 1992.

*[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1992)

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‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Note:-Schedule | to the stamp Act, 1899 (II of 1899) as specified in the * SCHEDULE has been substituted by section 2 of the Pakhtunkhwa Finance Act, 2007 (Khyber Pakhtunkhwa Act No.II of 2007).

THE '[KHYBER PAKHTUNKHWA]
FINANCE ACT, 1992.
?[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1992)

[First published after having received the assent of the Governor of the ?[Khyber Pakhtunkhwajin the Gazette of "(Khyber Pakhtunkhwa] (Extraordinary), dated the 4" June, 1992].

AN
ACT

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

WHEREAS it is expedient to continue, levy and revise rates of certain duties, taxes
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, 1992.

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

(3) Section 3 shall come into force on such day as Government may, by
Notification, specify and the remaining provisions of this Act shall come into force on the 1st
day of July, 1992.

2. Amendment of Act II of 1899.---In the Stamp Act, 1899 (II of 1899):—

(a) after section 27 the following new section shall be inserted, namely:

"27A. Valuation of Urban Land.---* (1) Where any instrument chargeable
with ad valorem duty under clause (b) of Article 23 or clause (b) of Article 31
of Schedule I relates to land only or land with any building or structure thereon,
the value of the land shall be calculated according to the valuation table notified
by the Collector in respect of land situated in the area or locality concerned.

'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Note:- In sub-section (1), before the full stop appearing at the end, the words and comma "or as the Provincial Government m

to time, by notification in the official Gazette, determine" shall be added by sub-section (1) of section 3 of the Khyber Pakhtunk
Act, 1997 (KP Act No. III of 1997)

3.

(b)

(2) Where an instrument mentioned in sub-section (1) relates to land with building or structure thereon, it shall state the value of the land and the building or structure, separately, and the value of the building or structure so stated shall, subject to the provisions contained in this Act, be accepted.

(3) Where the value of land stated in an instrument to which sub-section (1) applies is more than the value fixed according to the valuation table, the value declared in the instrument shall be accepted as value for the purpose of duty.

(4) Where the value given in the valuation table notified under sub-section (1), when applied to any land, appear to be excessive, the Commissioner may, on application made to him by the aggrieved person, determine its correct value and for that purpose the provisions of section 31 and section 32 shall apply mutatis mutandis.”; and

inTM Schedule I, the amendments specified in the Schedule to this Act shall be made.

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

Note:-
2007).

(a)

(b)

in section 13, sub-sections (3) and (4) and the "Explanation" appearing thereunder shall be omitted; and

in the First Schedule,—

(i) at Serial No 3, for the existing entry at clause (g) the following shall be substituted, namely:

“(g) All vehicles with maximum laden capacity exceeding 8120 kg but not exceeding 12000 kg.

(ii) the existing clause (h) shall be re-lettered as "(j)" and before clause (j), so re-lettered, the following new clauses shall be inserted, namely:

"(h) All vehicles with maximum laden capacity exceeding 12000 kg but not exceeding 16000 kg.

(i) ~All vehicles with maximum laden capacity exceeding 16000 kg.

Schedule I has been substituted by section 2 of the Khyber Pakhtunkhwa Finance Act, 2007 (Khyber Pakhtunkhwa Act No. II

3500";

4000

6000";

(iii) after Serial No. 6, the following new entry shall be added as Serial No. 7, namely:

"7. All Tractors (with or without Trolley). tee 600".

4. Amendment of West Pakistan Act I of 1965.—In the West Pakistan Finance Act, 1965 (W.P. Act I of 1965),—

(a) in section 10,—

(i) for sub-section (1) the following shall be substituted, namely:

"(1) Notwithstanding anything contained in the Stamp Act, 1899 (II of 1899), every instrument of conveyance as defined in clause (10) of section 2 of that Act, and not being a transfer charged or exempted under Article 62 of Schedule I to that Act, may be charged with additional Stamp Duty under this Act at such rates as Government may, by Notification in the official Gazette, specify."

(ii) in sub-section (2), for the words "specified in", occurring in the first line, the commas and the words ", if any, specified under" shall be substituted; and

(b) in section 12, for sub-section (1) the following shall be substituted, namely:

En) There shall be levied and collected every year a tax on all hotels, payable by the owner or management thereof, at the following rates: —

(i) | Where daily charges per lodging unit in a hotel Rs. 10.00 per lodging exceed Rs. 35.00 but do not exceed Rs. 99.00 unit per day.

(ii) | Where such daily charges in a hotel exceed Rs. Rs. 15.00 per lodging 99.00 but do not exceed Rs. 249.00. unit per day.

(iii) | Where such daily charges in a hotel exceed Rs. Rs. 30.00 per lodging 249.00 but do not exceed Rs. 599.00. unit per day.

(iv) Where such daily charges in a hotel exceed Rs. Rs. 50.00 per lodging 599.00. unit per day."

Note:-* Sub-section (1) has been substituted by section II of the Khyber Pakhtunkhwa Finance Act, 1995 (Khyber Pakhtunkhwa 1995).

5. Amendment of the '[Khyber Pakhtunkhwa] Ord. IX of 1980.—In the *[Khyber Pakhtunkhwa] Finance Ordinance, 1980 (*[Khyber Pakhtunkhwa] Ord. IX of 1980), in the Second Schedule,—

(a) for the figure "100" against Serial Nos. | and 3, the figure "125" shall be substituted;

(b) for the figure "100" against Serial No. 2, the figure "150" shall be substituted;

(c) for the figures "200" and "100" against Serial No. 4, the figures "300" and "200" shall respectively be substituted; and

(d) for the figures "100", "60", "250" and "150" against Serial No. 5, the figures "200", "100", "300" and "200" shall respectively be substituted.

6. Amendment of the "[Khyber Pakhtunkhwa] Act IV of 1990.—In the *[Khyber Pakhtunkhwa] Finance Act, 1990 (°[Khyber Pakhtunkhwa] Act IV of 1990), in section 7, in the

the * Table—

(i) for the figures "2500" and "5000" against Serial No. 2(b) and (c), the figures "3000" and "6000", for the figure "500" against Serial No. 5, the figure "750" and for the figure "2000" against Serial No. 6(a), the figure "5000" shall respectively be substituted; and

(ii) after the existing entries at Serial No. 6 the following new entry as Serial No. 7

shall be added, namely:

"7, Restaurants and Marriage Halls assessable to Income 1000."
Tax.

‘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

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*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

°Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*

Note: Table has been substituted by section 5 of the Khyber Pakhtunkhwa Finance Act, 2014 (Khyber Pakhtunkhwa Act No. X

* THE SCHEDULE

(See Section 2)

(1) In Article 1—

(i) In clause (b) for the figure and word "40 paisa" the figure and word "50 paisa" shall be substituted;

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

"(c) where such amount exceeds Rs. 2000.00 but One rupee.".
does not exceed Rs. 10,000.00.

(iii) after clause (c) as so amended, the following new clause (d) shall be added, namely:

"(d)_ where such amount exceeds Rs. 10,000.00 Two rupees.".

(2) In Article 2, in clause (b), for the words "Thirty rupees" the words "Fifty rupees" shall be substituted.

(3) In Article 8, in clause (b), for the words "Thirty rupees" the words "Fifty rupees" shall be substituted.

(4) In Article 9, for the words "Twenty five rupees" the words "fifty rupees" shall be substituted.

(5) In Article 10—

(i) in clause (a), for the words "Fifty rupees" the words "One hundred rupees" shall be substituted;

(ii) in clause (b), for the words "One hundred rupees" the words "Two hundred rupees" shall be substituted;

(iii) in clause (c), for the words "Two hundred rupees" the words "Three hundred rupees" shall be substituted;

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

"(d) where the nominal share capital exceeds Rs. One thousand rupees.".
1,000,000.00 but does not exceed
Rs.5,000,000.00

Note:- Schedule 1 to the stamp Act, 1899 (II of 1899) as specified in the * SCHEDULE has been substituted by section 2 of the

Pakhtunkhwa Finance Act, 2007 (Khyber Pakhtunkhwa Act No.II of 2007).

(6)

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(10)

(v) after clause (d) as so amended, the following new clause shall be added, namely:
exceeds

"(e) where the nominal share

Rs.5,000,000.00

capital

(vi) under the heading "Exemption", for the words, comma and figures "Section 26 of the Companies Act, 1913" the words comma and figures "Section 42 of the Companies Ordinance, 1984" shall be substituted.

In Article 11, for the words "Five hundred rupees", the words "Seven hundred and fifty rupees" shall be substituted.

In Article 12, the words "subject to a maximum of fifty rupees" shall be omitted.

In Article 17, for the words "Fifteen rupees", the words "Twenty rupees" shall be substituted.

In Article 19, for the words "Fifty paisa", the words, "Two rupees" shall be substituted.

For Article 23, the following shall be substituted; namely:

"23. Conveyance as defined, by Section 2(10) not being a TRANSFER charged or exempted under No.62—

(a) incase of agriculture land;

(b) in case of immovable property in an urban area;

(c) in any other case;

Explanation-I: For the purpose of sub-article (b)—

(1) "urban area" shall mean—

Two thousand Five hundred rupees.".

Rupees five for every
one hundred rupees or
part thereof, of the value
of the land.

Rupees eight and a half
for every one hundred
rupees or part thereof, of
the value of the

property.

Rupees six for every one
hundred rupees or part
thereof, of the value of
the property.

(i) an area as defined under the West Pakistan Urban Immovable Property Tax Act, 1958; and

(ii) any built up area including land situated within or adjoining such area, specified by notification by Government to be an urban area for the purpose of this clause.

Explanation-II: For the purpose of sub-clause (ii) "built up area" shall mean land which is occupied as site of a building or enclosure and is not used for agricultural purpose or a purpose sub-servient to agriculture.

(2) duty chargeable in respect of instruments relating to property in an urban area specified by the Government under clause (1) shall be effective from the date such area is specified as urban area.

Explanation-III: Any reference in Schedule I to article 23 shall mean a reference to sub-articles (a) and (c) only.

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(3) "rural area" means an area not within the boundaries of a city, Municipality or Contonment board;

(4) "agricultural land" means any land in the rural area other than a village abadi or a town".

In Article 24, in clause (ii) for the words "Four rupees", the words "Five rupees" shall be substituted.

In Article 25, in clause (b), for the words "Four rupees", the words "Five rupees" shall be substituted.

In Article 26, in clause (b), for the words "Thirty rupees", the words "Fifty rupees" shall be substituted.

In Article 28, for the words "Twenty five paisa", the words "Two rupees" shall be substituted.

For article 31, the following shall be substituted namely:—

"31. EXCHANGE OF PROPERTY-Instrument of—

(a) When executed in respect of agricultural land:

Two rupees for every
one hundred rupees or
part thereof, of the
value of the property.

(b) When executed in respect of immovable property in an urban area, as defined in No. 23:

(c) In any other case:

(16) For Article 33, the following shall be substituted, namely:

"33. GIFT Instrument of, not being a SETTLEMENT (NO.

58) OR WILL OR TRANSFER (NO. 62).

(a) (i) When executed in favour of legal heirs in respect of agriculture land

(ii) In any other case, in respect of agriculture land.

(b) Other property.

(17) In Article 36, for the words "Fifty paisa", the words "Two rupees" shall be substituted.

(18) In Article 37, for the words "Fifty paisa", the words "Two rupees" shall be substituted.

(19) In Article 38, for the words "Twenty Five rupees", the words "Thirty rupees" shall be substituted.

(20) In Article 39

(i) in clause (a), for the words, comma and figures

"Section 35 of the Companies Act, 1913" and the words "Seventy Five rupees", the words comma and

Rupees eight for every
one hundred rupees or
part thereof, of the
value of the property.

Rupees five for every
one hundred rupees or
part thereof, of the
value of the property".

Two rupees for every
one hundred rupees or
part thereof, of the
value of the property
as set forth in such
instrument.

Five rupees for every
one hundred rupees, or
part thereof, of the
value of the property.

Six rupees for every
one hundred rupees, or
part thereof, of the
value of the property.

(21)

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(23)

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figures "Section 81 of the Companies Ordinance, 1984" and the words "One hundred and fifty rupees" shall respectively be substituted;

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

(iii) | under heading "Exemption", for the words, comma and figures "Section 26 of the Companies Act, 1913", the words, comma and figures "Section 42 of the Companies Ordinance, 1984" shall be substituted.

In Article 41, in clause (b), for the words "Fifty paisa", wherever occurring, the words "One rupee" shall be substituted.

In Article 42, for the words "Four rupees" the words "Ten rupees" shall be substituted.

In Article 43—

(i) in clause (a), for the words "Fifty paisa", the words "Two rupees", shall be substituted;

(ii) in clause (b), for the words "Twenty five paisa", the words "Two rupees" shall be substituted; and

(iii) in clause (c), for the words "Twenty five paisa", the words "One rupee" shall be substituted.

In Article 45, in the proviso, after the existing clause (c), the following new clause shall be added:—

"(d) When instrument of partition is executed in respect of agricultural land, the stamp duty shall be charged as one rupee for every one hundred rupees or part thereof of the value of such land."

For Article 46, the following shall be substituted, namely:

"46— PARTNERSHIP—

A- INSTRUMENT OF—

(a) where the capital of the partnership does not exceed Rs.

Fifty rupees,

10,000.00.

(b) in any other case. Two hundred and fifty rupees.

B- DISSOLUTION OF—

Pawn or pledge-see agreement relating to deposit of title Half of the Stamp duty deeds, pawn or pledge (No. 6). payable on original."

(26) In Article 48—

(i) in clause (a), for the words "Three rupees" the words "Ten rupees" shall be substituted;

(ii) in clause (b), for the words "Seven rupees" the-words "Ten rupees" "shall be substituted;

(iii) in clause (c), for the words "Thirty six rupees" the words "Fifty rupees" shall be substituted; and

(iv) in clause (f), for the words "Six rupees" the words "Ten rupees" shall be substituted;

(27) In Article 49, for clause (a), the following shall be substituted, namely:

"(a) — when payable on demand—

(i) | when the amount or value does not exceed Rs.250; Fifty paisa,

(ii) | when the amount or value exceeds Rs. 250.00 but One rupee, does not exceed Rs. 1000.00;

(iii) when the amount or value exceeds Rs. 1000.00but Ten rupees, does exceed Rs. 10,000.00;

(iv) when the amount or value exceeds Rs. 10,000.00 but Twenty rupees, does not exceed Rs. 100,000.00; and

(v) in any other case. Fifty rupees.

(28) In Article 50, for the words "Four rupees" the words "Five rupees" shall be substituted.

(29) In Article 52, for the words "Twenty five paisa", the words "Two rupees" shall be substituted.

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In Article 53—

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“C)

(iii)

in clause (b), for the words "Forty paisa", the words
"Fifty paisa" shall be substituted;

in clause (c), for the following shall be substituted,
namely:

when such amount or value exceeds Rs.2000 but One rupee.”;and,
does not exceed Rs. 10,000.00.

after clause (c) as so amended, the following new
clause (d) shall be added:—

where such amount exceeds Rs. 10,000.00. Two rupees.".

In Article 54, in clause (b), for the word "Thirty rupees", the
words "Fifty rupees", shall be substituted.

For Article 55, the .following shall be substituted namely;

«55

RELEASE, that is to say, any instrument (not being The same duty as on a
such a release as is provided for by section 23-A) (No.15) for such amount
whereby a person renounces a claim upon another of the claim or value of
person or against any specified property. the property.".

In Article 57, in clause (b), for the word "Thirty rupees", the
words "Fifty rupees", shall be substituted.

In Article 58, Part A, the existing clauses (i) and (ii) shall be
renumbered as (ii) and (iii) respectively and the following

clause (i) shall be inserted before clause (ii) so

renumbered:—

"@) where the settlement is made in favour of legal heirs One rupee for every in respect of agricultural land. one hundred rupees or part thereof, of the value of the property."

In Article 60, for the words "Twenty five paisa", the words "Two rupees" shall be substituted.

In Article 61, in clause (b) for the words "Thirty rupees", the words "Fifty rupees" shall be substituted.

(37) In Article 62—

(i) in clause (c), in sub-clause (ii), for the words "Thirty rupees", the words "Fifty rupees" shall be substituted; and

(ii) in clause (d), for the words "Thirty rupees", the words "Fifty rupees" shall be substituted.

(38) In Article 64, for the words "Thirty rupees", wherever occurring, the word "Fifty rupees" shall be substituted.

(39) In Article 65, for the words "Two rupees", the words "Five rupees", shall be substituted.

By ORDER OF THE SPEAKER,
PROVINCIAL ASSEMBLY OF
i[KHYBER PAKHTUNKHWA]

'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011