

THE ¹[KHYBER PAKHTUNKHWA] FINANCE ACT,1972
²[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1972.

Peshawar, the 23rd June, 1972.

**AN
ACT**

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THE ¹[KHYBER PAKHTUNKHWA] FINANCE ACT,1972

²[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1972

Peshawar, the 23rd June, 1972.

**AN
ACT**

***to continue and levy certain taxes, cesses and surcharges
in the ³[Khyber Pakhtunkhwa].;***

WHEREAS,it is expedient to continue and levy certain taxes, cesses and surcharges in the ⁴[Khyber Pakhtunkhwa];in the manner hereinafter appearing; Preamble.

It is hereby enacted as follows.-

1. (1) This Act may be called the ⁵[Khyber Pakhtunkhwa]Finance Act, 1972. Short title,
Extent and
Commencement.
- (2) It shall extend to the whole of the ⁶[Khyber Pakhtunkhwa], except the Tribal Areas.
- (3) It shall come into force on and from the first day of July, 1972.
2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say- Definitions.
 - (a) “agricultural year” means the agricultural year as defined in the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967); and
 - (b) “Government” means the Government of the ⁷[Khyber Pakhtunkhwa]
3. (1) There shall be levied and collected from every owner of land which is assessed to agricultural income-tax in the Districts of Bannu, DeraIsmali Khan, Hazara, Mardan, Kohat and Peshawar on the land-revenue payable in the Surcharge on
Agricultural
income- tax in
certain

1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
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7. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

agricultural year, 1971-72, an additional amount of Agricultural Income-tax by way of surcharge at the rate specified in the First Schedule to this Act. Districts.

(2) The Provisions of the¹[Khyber Pakhtunkhwa] Agricultural Income-tax Act, 1948, (²[Khyber Pakhtunkhwa] Act XVII of 1948), shall, so far as may be, apply to the assessment, collection and recovery of the surcharge imposed under this section.

4. (1) There shall be levied and collected a tax on cinemas payable by the owner or management thereof at the following rates for the financial year 1972-73. Cinema Tax.

- | | | |
|-------|---|----------------------|
| (i) | In the case of a cinema classed as a first class cinema. | One thousand Rupees. |
| (ii) | In the case of a cinema classed as a second class cinema. | Five hundred Rupees. |
| (iii) | In the case of a cinema classed as a third class cinema. | One hundred Rupees. |

(2) If the person responsible for the payment of the tax under subsection (1) fails to pay the tax within the period prescribed under the rules for its payment, he shall be liable to pay, in addition to the amount of such tax, a penalty not exceeding the amount of the tax payable.

5. There shall be levied and collected in any area in which a tax is imposed on motor vehicles by or under any enactment in force, a surcharge on such tax, payable by the person by whom the tax is payable at the following rates for the financial year 1972-73. — Surcharge on Motor vehicle Tax.

- | | | |
|------|---|-----------------------|
| (i) | Motor vehicles used for the transport or carriage of goods and materials. | Twenty – five rupees. |
| (ii) | Motor vehicles plying for hire and licensed to carry more than eight persons. | Fifty rupees. |

6. Notwithstanding anything to the contrary contained in the West Pakistan Motor Vehicles Ordinance, 1965, (W.P. Ord XIX of 1965), or the West Pakistan Motor Vehicles Rules, 1969, the fees payable under the rules mentioned in column 2 of the Second Schedule to this Act, shall, in the financial year 1972-73, be paid at the rates specified in Column 3 thereof. Enhancement of fees relating to Motor Vehicles.

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

². Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

7. (1) With effect from 1st July, 1972, the Schedule to the West Pakistan Motor Vehicles Taxation Act, 1958 (W.P. Act XXXII of 1958), in its application to the ¹[Khyber Pakhtunkhwa], shall be substituted by the Third Schedule to this Act. Enhancement of Motor Vehicles Tax.

(2) Sub-section (2) of section 11 of the West Pakistan Finance Act, 1965 (W.P. Act I of 1965), in its application to the ²[Khyber Pakhtunkhwa], including the Fourth Schedule appended thereto, is hereby repealed.

8. In the West Pakistan Entertainments Duty Act, 1958, in its application to the ³[Khyber Pakhtunkhwa]. — Amendment of West Pakistan Act X of 1958.

- (i) in section 2, clauses (aa), (aaa), (hh), (ii) and (k) shall be omitted;
- (ii) in sub-section (1) of section 3, the colon occurring before the proviso shall be replaced by a comma, and between the comma so replaced and the proviso, the following shall be inserted. —

“In case such payment does not exceed one rupee and twelve pasia, and at the rate of seventy-five per cent excluding the amount of duty, in case such payment exceeds one rupee and twelve pasia:”;

- (iii) in section 6, the words and cooma “or in the case of any cinema, the entertainment duty is not paid in accordance with the provisions of section 6-A” shall be deleted;
- (iv) section 6-A shall be omitted;
- (v) in sub-section (2) of section 11, after clause (i), the word “and” shall be added, and clauses (i-a), (i-b) and (i-c) shall be deleted; and
- (vi) the Schedule shall be omitted.

⁴[9. * * * * *].

10. With effect from first July, 1972, in the West Pakistan Urban Immovable Property Tax Act, 1958, in its application to the ⁵[Khyber Pakhtunkhwa], — Amendment of West Pakistan Act V of 1958.

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
². Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
³. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
⁴. Section 9 omitted by Khyber Pakhtunkhwa Act No.XII of 1973.
⁵. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

(a) for sub-section (2) of section 3, the following sub-section shall be substituted, namely—

“(2) There shall be charged, levied and paid a tax on the annual value of building and land in a rating area (heretofore notified or hereafter notified) at the rate of fifteen per cent of such annual value:

Provided that where a building is occupied for residential purposes by the owner himself the tax shall be levied at the said rate on one-half of the annual value of such building, if the owner or any member of his family does not own any other property in that rating area:

Provided further that Government may, by notification, for reasons to be recorded, remit in whole or in part, the payment of the tax by any class of persons in respect of any category of property.

Explanation.- Annual value for the purposes of this section shall be the aggregate annual value of all buildings and land owned by the same person in a rating area.”; and

(b) after section 3, the following new section shall be added, namely.

“3-A Shares of Cantonment Boards in the tax. — Out of the tax collected under the Act from within the limits of a Cantonment Board, Government shall, after retaining five percent, thereof as a collection charges, pay fifty per cent of the balance to such Cantonment Board.”

11. (1) With effect from first July, 1972, the Fifth and Sixth Schedules to the West Pakistan Finance Act, 1964, (W.P. Act XXXIV of 1964), in its application to the ¹[Khyber Pakhtunkhwa], shall respectively be substituted by the Fourth and Fifth Schedules to this Act. Enhancement of Electricity Duty.

(2) Section 6 of the West Pakistan Finance Ordinance, 1969 (W.P Ord. VII of 1969), in its application to the ²[Khyber Pakhtunkhwa]is hereby repealed.

12. Where any tax, fee, cess or surcharge imposed by this Act is by way of an addition to, or a surcharge on any existing tax 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, shall, so far as applicable, apply to the assessment, collection and recovery of the additional tax, fee, cess or surcharge. Application of existing Laws.

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

². Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

13. No suit shall lie in any Civil Court to set aside or modify any assessment, levy or collection of a tax, fee, duty, cess or surcharge made under this Act and the rules thereunder, or any penalty imposed under subsection (2) of section 4. Bar or suits in civil Courts.

14. (1) 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 in this Act. Power to make rules.

(2) Any rules made or deemed to have been made under the corresponding provisions of the ¹[Khyber Pakhtunkhwa]Finance Ordinance, 1971 (²[Khyber Pakhtunkhwa] Ord. No. IV of 1971), shall, so far as may be, be continued and be deemed to have been made under this Act.

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

². Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

FIRST SCHEDULE.*(See section 3).*

	Surcharge
Where the total land-revenue payable does not exceed Rs. 349.	Nil.
Where the total land-revenue payable exceeds Rs. 349 but does not exceed Rs. 499.	Rupees Twelve.
Where the total land-revenue payable exceeds Rs. 499 but does not exceed Rs. 749.	Rupees Twenty-four.
Where the total land-revenue payable exceeds Rs. 749 but does not exceed Rs. 999.	Rupees fifty.
Where the total land-revenue payable exceeds Rs. 999 but does not exceed Rs. 1999.	Rupees one hundred.
Where the total land-revenue payable exceeds Rs. 1,999 but does not exceed Rs 4,999.	Rupees two hundred and fifty.
Where the total land-revenue payable exceeds Rs, 4,999 but does not exceed Rs, 9,999.	Rupees five hundred.
Where the total land-revenue payable exceeds Rs,9,999.	Rupees one thousand.

SECOND SCHEDULE.*(See – Section 6).*

S.No. Description of fee and the relevant rule of the West Pakistan Motor Vehicles Rules, 1969. Rate of fee.		
1.	2	3
1.	Fee for the test of competence to drive, under sub-rule (3) of rule 8.	Rs.10
2.	Fee for a duplicate licence, under sub-rule (6) of rule 13, sub-rule (4) of rule 14 and sub-rule (4) of rule 15.	10
3.	Fee for learner's driving licence, under sub-rule (2) of rule 19.	10
4.	Fee for the issue of driving licence, under clause (i) of rule 26.	20
5.	Fee for renewal of driving licence, under clause (ii) of rule 26-	
	(a) Where the application for renewal is made within thirty days from the date of the expiry of the licence;	10
	(b) Where the application for renewal is made after thirty days of the date of the expiry of the licence.	20
6.	Fee for a duplicate certificate on loss or destruction or certificate of registration and certificate of fitness of a vehicle, other than a transport vehicle, under rule 37.	10
7.	Fee for a duplicate certificate on loss or destruction of certificate of registration and certificate of fitness of a transport vehicle, under rule 38.	15
8.	Fee for a duplicate certificate of a defaced or torn	

certificate of registration and certificate of fitness of a transport vehicle, under rule 39.	15
9. Registration fee under rule 42. -	
(a) in respect of a motor-cycle and an invalid carriage or a trailer not having more than twowheels and not weighting more than one ton unladen;	10
(b) in respect of a heavy transport vehicle;	60
(c) in respect of any other vehicle;	30
(d) in respect of temporary registration of any vehicle.	10
10. Fee for transfer of ownership of a motor vehicle, under rule 47.	Same as in serial No. 9 for Registration.

THIRD SCHEDULE.
(See – Section 7).

Serial No.	Description of motor vehicles	Amount of rate of tax
1	2	3
1.	Cycle (including motor scooters and cycle with attachment for propelling the same by mechanical process) not exceeding 8 cwts. In unladen weight:-	Rs.
	(a) Bicycle not exceeding 200 lbs. In unladen weight.	20
	(b) Bicycle exceeding 200 lbs. In unladen weight.	40
	(c) Bicycles if used for drawing a trailer or side-car, in addition.	10
	(d) Tricycles.	40
2.	Vehicles not exceeding 5 cwts. in unladen weight, adapted and used for invalids.	5
3.	Vehicles used for the transport or haulage of goods or materials (including tricycles weighting more than 8 cwts. in unladen weight) —	
	(a) Electrically propelled vehicles not exceeding 25 cwts. in unladen weight.	35
	(b) Vehicles other than such electrically propelled vehicles as aforesaid not exceeding 12 cwts. in unladen weight.	25
	(c) All vehicles with maximum laden capacity up to 5,000 lbs. including delivery vans.	165
	(d) All vehicles with maximum laden capacity exceeding, 5,000 lbs. but not exceeding 8,960 lbs.	330
	(e) All vehicles with maximum laden capacity exceeding 8,960 lbs. but not exceeding 13,440 lbs.	550

(f) All vehicles with maximum laden capacity exceeding 13,440 lbs.but not exceeding 17,920lbs.	1, 105
(g) All vehicles with maximum laden capacity exceeding 17,920 lbs.	1, 655
(h) Extra charges for trailer.	138

THIRD SCHEDULE.

Serial No.	Description of motor vehicles	Amount of rate of tax
1	2	3
4.	vehicle plying for hire and ordinarily used for the transport of passengers (taxies and buss) exclusively within the limits of a Corporation, a Municipality or a Cantonment. —	Rs.
	(a) Tram cars.	15
	(b) Tri-cycles propelled by mechanical power (rickshaw cabs seating not more than 3 persons).	20
	(c) Other vehicles seating not more than 4 persons.	330
	(d) Other vehicles seating more than 4 but not more than 6 persons.	415
	(e) Other vehicles seating more than 6 persons.	50
		per seat
5.	Vehicles plying for hire and ordinarily used for the transport of passengers (taxis and buss) not exclusively withing the limits of a Corporation, a Municipality or a Cantonment —	Rs.
	(a) Tram cars.	15
	(b) Tricycles propelled by mechanical power (rickshaw cabs seating not more than 3 persons).	250
	(c) Other vehicle seating not more than 4 persons.	330
	(d) Other vehicles seating more than 4 but not more than 6 persons.	415
	(e) Other vehicles seating more than 6 persons.	100
	Note: The number of persons mentioned in Articles 4 and 5 does not include the driver and, as the case may	perseat.

be the cleaner, the conductor or the attendant of the vehicle.

6.	Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule-	Rs.
(a)	seating not more than one person.	84
(b)	seating not more than 3 persons.	168
(c)	seating not more than 4 persons.	240
(d)	seating more than 4 persons for every additional person that can be seated.	60 per seat

Note:— Station wagons used for private purposes shall be taxed under Article 6.

FINANCE ¹[KHYBER PAKHTUNKHWA]ACT IV OF 1972.

²[FOURTH SCHEDULE]

(See section 11)

[FIFTH SCHEDULE]

(See section 13)

Rate of Electricity Duty.

1. For energy consumed in respect of premises not falling under Article 2 of this Schedule used for—

- | | | |
|-----|--|---|
| (a) | Residential office or commercial purposes. | Two paise for each unit of energy consumed. |
| (b) | An industrial undertaking. | One paise for every two units of energy consumed. |
| (c) | Tube wells, irrigation and agricultural machinery. | One paise for every two units of energy consumed. |

Explanation. – Premises which are used wholly or principally for carrying on manufacturing processes within the meaning of section 2 of the Factories Act, 1934, shall be deemed to be used for an industrial undertaking.

2. For energy consumed in respect of premises where the supply or energy by a licensee is unmetered. Four paise for every rupee of light charge realized by the licensee; provided that no duty shall be levied where such charge does not exceed Rs 5.00 during a month.”)

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

². sub: by Khyber Pakhtunkhwa Act NO.IV of 1973.

¹[KHYBER PAKHTUNKHWA]FINANCE ACT, 1972.

FIFTH SCHEDULE

(See section 11)

(See section 13)

Exemption from Electricity Duty.

1. The Federal and the Provincial Governments, save in respect of premises used for residential purposes.
2. A Local Authority, save in respect of premises used for residential purposes.
3. Energy generated by a plant having a capacity not exceeding two and half kilowatts.
4. Energy consumed (including losses of energy) in generation, transmission and transformation.
5. Energy consumed in mosques, churches and other places of public worship.
6. Any consumer using not more than twenty units in any one month.
7. Vessels, whether sea-going or inland.”

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.