

**THE <sup>1</sup>[KHYBER PAKHTUNKHWA]  
FINANCE ACT, 1994.**

**(<sup>2</sup>[KHYBER PAKHTUNKHWA] ACT NO. I OF 1994)**

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>3</sup>Deleted vide Khyber Pakhtunkhwa Act No. V of 1999.

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

**THE <sup>1</sup>[KHYBER PAKHTUNKHWA]  
FINANCE ACT, 1994.**

**(<sup>2</sup>[KHYBER PAKHTUNKHWA] ACT NO. I OF 1994)**

*[First published after having received the assent of the Governor of the <sup>3</sup>[Khyber Pakhtunkhwa] in the Gazette of <sup>4</sup>[Khyber Pakhtunkhwa] (Extraordinary), dated the 30<sup>th</sup> June, 1994.]*

**AN  
ACT**

*to levy, reduce and modify certain tax, fee and duty in the  
<sup>5</sup>[Khyber Pakhtunkhwa].*

**WHEREAS** it is expedient to levy, reduce and modify certain tax, fee and duty in the <sup>6</sup>[Khyber Pakhtunkhwa];

It is hereby enacted as follows:

1. (1) This Act may be called the <sup>7</sup>[Khyber Pakhtunkhwa] Finance Act, 1994.
  - (2) It shall extend to whole of <sup>8</sup>[the Province of the Khyber Pakhtunkhwa].
  - (3) It shall come into force with effect from the 1st day of July, 1994.
2. (1) In this Act, unless there is anything repugnant in the subject or context,-
  - (a) “Collector” means the Collector of the District and includes any officer appointed under the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), to discharge the duties of the Collector;
  - (b) “estate” and “assessment circle” have the same meanings assigned to these expressions in the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967);
  - (c) “Government” means the Government of the <sup>9</sup>[Khyber Pakhtunkhwa];
  - (d) “land” means the land which is not occupied as the site of any building and is in use for agricultural purposes or purposes subservient to agriculture and is assessed to land revenue, but does not include land owned or

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>7</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>8</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>9</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

administered by the Federal or the Provincial Government, except land of any such Government in possession of lessees or tenants;

- (e) “land revenue” means the land revenue assessed on any land under the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), and where the land is not so assessed, the land revenue assessed on similar land in the same estate or assessment circle;
- (f) “owner”, in case of land owned by the Federal or Provincial Government, includes a lessee, if any, in possession; <sup>1</sup>[and]
- (g) <sup>2</sup>[Deleted]
- (h) <sup>3</sup>[Deleted]
- (i) “tax” includes agricultural income tax assessed under this Act.

(2) All other expressions used in this Act but not defined shall have the same meanings as assigned to them in the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), and the rules made thereunder.

3. <sup>4</sup>[Deleted]

4. In the Stamp Act, 1899 (Act II of 1899), in Schedule I,

(1) for Article 15 the following shall be substituted, namely:-

“15. Bonds as defined by section 2(5), not being a DEBENTURE (No.27) and not being otherwise provided for by this Act, or by the Court Fees Act, 1870.

- (a) When covered by the category of bonds specified in sub clauses (a) and (b) of section 2 (5) and issued by public sector corporations approved by, or under the regulatory control of, the State Bank of Pakistan, the Federal Government or a Provincial Government.
  - (i) On first transaction at 0.25% of the amount or value secured.
- (b) Other bonds not covered by (a) above-
  - (ii) On each subsequent transaction at 0.10% of the amount or value secured.

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<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. III. Of 1997.

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. III. Of 1997.

<sup>3</sup>Deleted vide Khyber Pakhtunkhwa Act No. III. Of 1997.

<sup>4</sup>Deleted vide Khyber Pakhtunkhwa Act No. V. of 1999.

Where the amount of value secured does not exceed Rs. 10	Twenty five paisa.
Where it exceeds Rs. 10 but does not exceed Rs. 200	One rupees.
Where it exceeds Rs. 50 but does not exceed Rs. 100	Two rupees.
Where it exceeds Rs. 100 but does not exceed Rs. 200	Four rupees.
Where it exceeds Rs. 200 but does not exceed Rs. 300	Six rupees.
Where it exceeds Rs. 300 but does not exceed Rs. 400	Eight rupees.
Where it exceeds Rs. 400 but does not exceed Rs. 500	Ten rupees.
Where it exceeds Rs. 500 but does not exceed Rs. 600	Twelve rupees.
Where it exceeds Rs. 600 but does not exceed Rs. 700	Fourteen rupees.
Where it exceeds Rs. 700 but does not exceed Rs. 800	Sixteen rupees.
Where it exceeds Rs. 800 but does not exceed Rs. 900	Eighteen rupees.
Where it exceeds Rs. 900 but does not exceed Rs. 1000	Twenty rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1000.	Ten rupees.

See ADMINISTRATION BOND (NO. 2), BOTTOMRY BOND (NO. 16), CUSTOMS BOND (NO. 26)

INDEMNITY BOND (NO. 34), RESPONDENTIA BOND (NO. 56), CUSTOMS BOND (NO. 57)

### **EXEMPTION**

Bond When executed by any person for the purpose of guaranteeing that the local income derived from private subscription to a Charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.

(2) in Article 23, for the words “Rupees five” “Rupees eight and a half” and “Rupees six”, wherever occurring, the words “Rupees four” shall be substituted.

(3) for Article 27 the following shall be substituted, namely;

“27 DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable,-

(a) When issued by public sector corporations/organizations or by financial institutions approved by or under the regulatory control of, the State Bank of Pakistan, the Federal Government or a Provincial Government and transferred by endorsement or by a separate instrument;

(i) On first transaction at 0.25% of the amount or value secured.

(ii) On each subsequent transaction at 0.10% of the amount or value secured.

(b) when transferred by endorsement or by a separate instrument other than those mentioned at (a) above;

The same duty as on Bond (No. 15), clause (b).

(c) When transferred by delivery-

Where the value of the debenture does not exceed rupees 50. One rupee and fifty paise.

Where it exceeds Rs. 50 but does not exceed Rs. 100 Three rupees.

Where it exceeds Rs. 100 but does not exceed Rs. 200 Six rupees.

Where it exceeds Rs. 200 but does not exceed Rs. 300 Nine rupees.

Where it exceeds Rs. 300 but does not exceed Rs. 400 Twelve rupees.

Where it exceeds Rs. 400 but does not exceed Rs. 500 Fifteen rupees.

Where it exceeds Rs. 500 but does not exceed Rs. 600 Eighteen rupees.

Where it exceeds Rs. 600 but does not exceed Rs. 700	Twenty-one rupees.
Where it exceeds Rs. 700 but does not exceed Rs. 800	Twenty-four rupees.
Where it exceeds Rs. 800 but does not exceed Rs. 900	Twenty-seven rupees.
Where it exceeds Rs. 900 but does not exceed Rs. 1000	Thirty rupees.
Where it exceeds Rs. 900 but does not exceed Rs. 1000	Twenty rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1000.	Fifteen rupees.

EXPLANATION:- The term “Debenture” includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.

### **EXEMPTION**

A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage deed duly stamped in respect of the full amount of debentures to be part, their property to trustees for the benefit of the debenture-holders; provided that the debentures so issued are expressed to be issued in terms of the said mortgage deed.

5. In the West Pakistan Finance Act, 1965 (W.P. Act I of 1965), in section 12, in sub-section (1), in the entry at (i), for the figure “35.00” the figure “49.00” shall be substituted.

6. In the <sup>1</sup>[Khyber Pakhtunkhwa] Finance Ordinance, 1980 (<sup>2</sup>[Khyber Pakhtunkhwa] Ord. IX of 1980), in the Second Schedule, in the entries at serial No. 10, the full-stop appearing at the end of clause (f) shall be replaced by a colon and thereafter the following proviso shall be added, namely:-

“Provided that notwithstanding the registration fee prescribed for motor vehicles covered by clause (d), the fee on first registration of such vehicles shall be charged ad volorem at the rate of half per cent of the duty paid value of imported vehicles and ex-factory price of locally assembled vehicles.”

7. Government may make rules to carry out the purposes of this Act.

### **SCHEDULE**

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

**(See Section 3)**  
<sup>1</sup>[.....]

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. III. of 1997.