

THE KHYBER PAKHTUNKHWA FINANCE ACT, 2016.

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2016)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Amendment of the West Pakistan Act No. II of 1899.
3. Amendment of the West Pakistan Act No. V of 1958.
4. Amendment of the West Pakistan Act No. XXXII of 1958.
5. Amendment of the West Pakistan Act No. XXXIV of 1964.
6. Amendment of the West Pakistan Ordinance No. XIX of 1965.
7. Amendment of the Khyber Pakhtunkhwa Finance Act, 1990.
8. Amendment of the Khyber Pakhtunkhwa Act No. XXI of 2013.
9. Amendment of the Khyber Pakhtunkhwa Act No. XVIII of 2013.

Appendix-I

Appendix-II

THE KHYBER PAKHTUNKHWA FINANCE ACT, 2016.

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2016)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 30/06/2016].

**AN
ACT**

*to levy, continue and revise certain taxes and duties
in the Province of the Khyber Pakhtunkhwa*

WHEREAS it is expedient to levy, continue and revise certain taxes and duties in the Province of 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, 2016.

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

(3) It shall come into force on the first day of July, 2016.

2. Amendment of the West Pakistan Act No. II of 1899.---In the Stamp Act, 1899 (Act No. II of 1899), in SCHEDULE-1,-

(a) against Article No. 4, in column No. 3, for the word "Sixty", the word "Hundred" shall be substituted;

(b) against Article No. 6(A), in column No. 3, for the figures "200" and "400", the figures "300" and "600" shall respectively be substituted;

(c) against Article No. 8-A, in column No. 3,-

(i) for the words "One hundred & fifty rupees", the words "Three hundred rupees" shall be substituted;

(ii) for the words "One thousand rupees", the words "One thousand and Five hundred rupees" shall be substituted; and

- (iii) for the words "Two thousand and five hundred rupees", the words "Five thousand rupees" shall be substituted; and
- (d) against Article No. 48,-
 - (i) in column No.3,-
 - (a) for the words "Three hundred rupees" wherever occurring, the words "Six hundred rupees" shall respectively be substituted; and
 - (b) for the words "Nine hundred rupees" occurring first time, the words "One thousand and five hundred rupees" shall be substituted.

3. Amendment of the West Pakistan Act No. V of 1958---In the West Pakistan Urban Immoveable Property Tax Act, 1958 (W. P. Act No. V of 1958), in Schedule-II, in entry at serial No. 3, after existing clause (c), the following new clause shall be inserted, namely:

"(c-i) For C locality Five"

4. Amendment of the West Pakistan Act No. XXXII of 1958----In West Pakistan Motor Vehicles Taxation Act, 1958 (W.P. Act No. XXXII of 1958), for the existing "SCHEDULE-II", the "SCHEDULE-II" as specified in the Appendix-I, appended to this Act shall be substituted.

5. Amendment of the West Pakistan Act No. XXXIV of 1964---In the West Pakistan Finance Act, 1964 (Act No. XXXIV of 1964), for the FIFTH SCHEDULE, the FIFTH SCHEDULE as specified in Appendix-II, appended to this Act shall be substituted.

6. Amendment of the West Pakistan Ordinance No. XIX of 1965---In the West Pakistan Motor Vehicles Ordinance, 1965 (W. P. Ordinance No. XIX of 1965), in section 25, for sub sections (5) and (6), the following shall respectively be substituted namely;

- "(5) Series of vehicles registration marks shall consist of such digits and numbers as Government may by notification in the official Gazette specify.
- (6) The number plates and other registration documents to be affixed or used with the motor vehicle shall be provided by Government or its authorized

agent or agents on such payments as may be fixed by Government from time to time."

7. Amendment of the Khyber Pakhtunkhwa Finance Act 1990.---- In the Khyber Pakhtunkhwa Finance Act, 1990 (Khyber Pakhtunkhwa Act No. IV of 1990), in section 7, in the TABLE, against Serial No.2, in the heading, after the words and comma "limited companies,", the words and commas "Association of Persons, individual firms," shall be inserted.

8. Amendments of the Khyber Pakhtunkhwa Act No. XXI of 2013.---In the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013), -

(a) in section 41, in sub-section (3), for the word and figure "section 3", the word and figures "section 19" shall be substituted;

(b) in section 56,-

(i) for sub-section (2), the following shall be substituted, namely:

"(2) An officer appointed under sub-section (1), shall exercise such powers, pecuniary and territorial jurisdiction and discharge such duties as are conferred on him under this Act and the regulations made under this Act and shall also be empowered and competent to exercise all powers and discharge all duties or functions conferred upon any officer subordinate to him."; and

(ii) after sub-section (2), as so substituted, the following new sub-section shall be added, namely:

"(3) The Authority may, by general or special order impose such limitation, restriction or conditions on the exercise of such powers and discharge of such duties or functions as it may deem fit.";

(c) after section 56, as so amended, the following new section shall be inserted, namely:

"56-A Distribution of Powers.---(1) The Authority may, by Notification and subject to such limitations or conditions, as may be specified therein, empower by name or designation-

- (a) an Additional Collector to exercise any of the powers of the Collector (Appeals) till the regular appointment of Collector (Appeal) as specified in section 79 of this Act;
 - (b) an Additional Collector to exercise or perform any of the power or function of the Collector;
 - (c) a Deputy Collector to exercise or perform any of the powers or function of the Additional Collector;
 - (d) an Assistant Collector to exercise or perform any of the powers or function of the Deputy Collector; and
 - (e) any other officer to exercise or perform any of the powers or function of the Assistant Collector.
- (2) The officer to whom any powers are delegated under this section shall not further delegate such powers.
- (3) The officer designated or empowered as Collector (Appeals) shall not hear and decide the cases adjudicated by him in terms of section 56 of this Act."
- (d) in section 84, after the words "including an order under sub-section (4) of section 79", the words" and order passed by the Collector or Authority under any of the provisions of this Act" shall be inserted.
 - (e) for section 114, the following shall be substituted, namely:

"114 power to make regulations,-Except where any specific provision is provided under this Act which requires the approval of the Council, the Authority may, make regulations or specify procedures, not inconsistent with the rules, to give effect to the purposes of this Act."; and
 - (f) in the FIRST SCHEDULE,-
 - (i) after existing entry "9803.2100" the following new entry shall be inserted, namely:

"9803.3000 Facilities for travel by road";

- (ii) after existing entry “9804.2000”, the following new entry shall be inserted, namely:

"9804.3000 cargo services by road";

- (iii) after the existing entry “9815.7000”, the following new entry shall be inserted, namely:

"9815.8000 Visa processing services including advisory or consultancy services for foreign education or for migration"; and

- (iv) after the existing entry “9875.0000”, the following new entry shall be added, namely:

"9876.0000 Valuation services including competency and eligibility Testing services".

9. Amendment of the Khyber Pakhtunkhwa Act No. XVIII of 2013.-In the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XVIII of 2013), in section 53, in sub-section (1), in clause (a),-

- (a) for the words “in lieu of Octroi and Zilla Tax”, the words “to local councils” shall be substituted; and
- (b) in the proviso for the words "in lieu of Octroi and Zilla Taxes", the words "to local council" shall be substituted.

Appendix
(see section 4)
“SCHEDULE-II
(see section 3)

S#	DESCRIPTION OF MOTOR VEHICLES	ANNUAL RATE OF TAX
1	Motor cycle/ Scooter	Rs.1500.00 For life time
2	Truck/Trailers/Delivery Vans used for the transport or haulage of goods or materials:-	
	(a) Vehicles not exceeding 1250 K.G. in unladen weight;	Rs.625.00
	(b) Vehicles with maximum laden capacity upto 2030 KG	Rs.1000.00
	(c) Vehicles with maximum laden capacity exceeding 2030 KG but not exceeding 4060 KG;	Rs.1025.00
	(d) Vehicle with maximum laden capacity exceeding 4060 KG but not exceeding 6090 KG;	Rs.2200.00
	(e) Vehicles with maximum laden capacity exceeding 6090 KG but not exceeding 8120 KG;	Rs.2500.00
	(f) Vehicles with maximum laden capacity exceeding 8120 KG but not exceeding 12000 KG;	Rs.5000.00
	(g) Vehicles with long Trailers or other vehicles with maximum laden capacity exceeding 12000 KG but not exceeding 16000 KG; and	Rs.7500.00
	(h) Vehicles with long trailers or other vehicles with maximum laden capacity exceeding 16000 KG.	Rs.10000.00

3	<p>Vehicles plying for hire and ordinarily used for transport of passengers:</p> <p>(a) mechanically propelled tricycle/ rickshaw with seating capacity of not more than three persons;</p> <p>(b) other vehicles with seating capacity of - (i) not more than 4 persons; (ii) more than 4, but not more than 6 persons; and (iii) More than 6 persons, plying on A routes;</p> <p>(c) motor vehicles with seating capacity of more than 6 but not more than 20 persons, plying, exclusively within the limits of Corporation/Municipality or Cantonment:</p> <p>(d) motor vehicles with seating capacity of more than 6 but not more than 20 persons plying exclusively within the limits of Corporation, Municipality or Cantonment or partly within and partly outside such limits with sixty percent of the total length of the route failing within the limits of a Corporation, Municipality or Cantonment.</p>	<p>Rs.500.00</p> <p>Rs.750.00 Rs.800.00</p> <p>Rs.225.00 per seat</p> <p>Rs.200.00 per seat</p> <p>Rs.150.00 per seat</p>
4	<p>Motor vehicles (Private Motor Cars/Jeeps, etc.) other than those mentioned above and having-</p> <p>(a) seating capacity of not more than 3 persons;</p> <p>(b) seating capacity of more than 3 but not more than 6 persons.</p> <p>(i) with engine power not exceeding 1000cc a lump sum tax of rupees ten thousand shall be charged for motorcars and jeeps up to 1000cc at the time of registration:</p>	<p>Rs.625.00</p>

	<p>Provided that in case of a motor vehicle registered before 1st day of July 2015, the amount of tax already paid shall be deducted from the payable tax of rupees ten thousand and the remaining amount shall be paid lump sum at the time of payment of the tax due; and</p> <p>(ii) with engine power exceeding 1000 cc but not exceeding 1300 cc;</p> <p>(iii) with engine power exceeding 1300cc but not exceeding 1500 cc;</p> <p>(iv) (a) with engine power exceeding 1500 cc but not exceeding 2500 cc; and (b) Luxury Vehicles; and</p> <p>(v) with engine power exceeding 2500 cc; and</p> <p>(c) seating capacity of more than 6 persons.</p>	<p>Rs.1500.00</p> <p>Rs.2250.00</p> <p>Rs.3500.00</p> <p>Rs.6500.00</p> <p>Rs.1000.00 per seat</p>
5	All Tractors with or without trailers	Rs.800.00".

Appendix-II
"FIFTH SCHEDULE
(see section 13)

In case of energy supplied by a licensee to consumers of any of the following categories:

Electricity duty on the amount of the variable charges or the supply charges worked out according to electricity tariff:

- | | |
|------------------------------|-------------|
| (a) Domestic; | 1.5 percent |
| (b) Commercial; | 1.5 percent |
| (c) Industrial undertakings; | 1.0 percent |

- | | |
|--|-------------|
| (d) Tube wells for irrigation and agricultural machinery; and | 1.0 percent |
| (e) Premises where the supply of energy by a licensee is un-metered. | 1.5 percent |

EXPLANATION-I: “Electricity tariff” means the schedule of tariff as made and notified by the Federal Government under sub-section (4) of section 31 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

EXPLANATION-II: Supply charges and variable charges are sale rate per kilowatt hour as a single rate or part of a two part tariff applicable to actual unit consumed by the consumer.

EXPLANATION-III: Premises which are used wholly or principally for manufacturing process within the meaning of clause (k) of section 2 of the Khyber Pakhtunkhwa Factories Act, 2013 (Khyber Pakhtunkhwa Act No. XVI of 2013) shall be deemed to be used for an industrial undertaking.”.