

Municipal Councils And Urban Councils (Amendment)

Act No 20 of 1985

AN ACT TO AMEND THE MUNICIPAL COUNCILS ORDINANCE
AND THE URBAN COUNCILS ORDINANCE

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

Short title. **1.** This Act may be cited as the Municipal Councils and Urban Councils (Amendment) Act, No. 20 of 1985.

PART I

Amendment of section 230 of the principal enactment **2.** The Municipal Councils Ordinance (hereafter in this Part referred to as the "principal enactment"), as amended by Act No. 42 of 1979, is hereby further amended in section 230 thereof, by the addition, at the end of that section, of the following new subsection:-

" (4) The Minister may from time to time make regulations specifying the quantum of discount to which ratepayers who pay their rates in advance shall be entitled. "

Amendment of section 247A of the principal enactment **3.** Section 247A (inserted by Act No. 42 of 1979) of the principal enactment is hereby amended in subsection (2) of that section as follows:

(1) by the substitution for the words " so licensed: II of the following:

"so licensed, and, where such licence authorizes the use of such premises for the purposes of any trade, having regard to

- (a) the annual value of such premises;
- (b) the turnover of business of such trade;
- (c) the profit that is likely to be earned in such trade; and
- (d) the essential nature of the goods or services supplied in the course of such trade: " ; and

(2) in the second proviso to that subsection

(a) by the substitution for the words " registered with the Sri Lanka Tourist Board ", of the words " registered with or approved or recognized by the Ceylon Tourist Board ; and

(b) by the substitution for the words " CI shall not exceed one per centum of such takings.", of the following:

"shall not exceed one per centum of such takings. Where such hotel, restaurant or lodging house is in its first year of operation, the licence duty shall be determined and levied according to the annual value of such premises. " .

Insertion of new **4.** The following new section is hereby inserted immediately after section

section 247BB in 247B, and shall have effect as section 247BB, of the principal enactment:

the principal enactment " 247BB. Where a Municipal Council resolves to impose and determine a levy a duty in respect of a licence under section 247 A or a of duty or tax tax on a trade under section 247B, and the trade carried on is where several one of many other trades carried on in the same premises, trades are the Council shall determine such duty or tax on the basis of carried on. the apportioned annual value of the area of the premises occupied for the purposes of such trade."

Amendment of section 247c of the principal enactment **5.** Section 247c (inserted by Act No. 42 of 1979) is here by amended as follows:

(a) in subsection (1) of that section, by the substitution for the words " or any tax ", of the words " or any tax,

(b) by the insertion, immediately after subsection (1) of that section, of the following new subsection:

" (IA) A Municipal Council may by resolution impose. and levy annually on every person who, within the administrative limits of such Council, practices any profession a tax of an amount not exceeding an amount specified by the Minister by regulation as the maximum amount of tax which the Council may so impose and levy. ";

(c) in subsection (2) of that section, by the substitution for the expression " cc under subsection (1) ", of the expression "under subsection (1) or subsection (1A)

(d) in subsection (3) of that section

(i) by the substitution for the words " the tax ", of the words " any tax " ; and

(ii) in the definition of "business". by the substitution for the words " trade or profession or calling ", of the word " trade"; and

(e) by the substitution for the marginal note to that section, of the following marginal note:

"Tax on businesses and professions. "

Amendment of section 247d of the principal enactment **6.** Section 247D (inserted by Act No. 42 of 1979) of the principal enactment is hereby amended in subsection (1) of that section by the substitution, in paragraph (b) of that subsection. for the words " less than the prescribed proportion; or ", of the words " less than that prescribed by the Council by resolution; or "

PART II

Amendment of section 160 of the principal enactment **7.** The Urban Councils Ordinance (hereafter in this Part referred to as the " principal enactment "), as amended by Act No. 42 of 1979, is hereby further amended in section 160 thereof, by the addition at the end of that section. of the following new subsection:

" (5) The Minister may from time to time make regulations specifying the quantum of discount to which rate payers who pay their rates in advance shall be entitled."

Amendment of section 164 **8.** Section 164 of the principal enactment, as amended by Act of the principal enactment No.42 of 1979, is hereby further amended is subsection (2) of that section as follows:-

(1) by the substitution for the words" to be licensed: "of the following:

"to be licensed, and, where such licence authorizes the use of such premises for the purposes of any trade, having regard to

- (a) the annual value of such premises;
- (b) the turnover of business, of such trade;
- (c) the profit that is likely to be earned in such trade; and
- (d) the essential nature of the goods or services supplied in the course of such trade: " ; and

(2) in the second proviso to that subsection

(a) by the substitution for the words" registered with ", of the words" registered with or approved or recognized by" ; and

(b) by the substitution for the words "shall not exceed one per centum of such takings.", of the following:

" shall not exceed one per Centum of such takings. Where such hotel, restaurant or lodging house is in its first year of operation, the licence duty shall be determined and levied according to the annual value of shall such premises. "

Insertion of new section 165AA in the principal enactment. **9.** The following new section is hereby inserted immediately after section 165A, and shall have effect as section 165AA, of the principal enactment:

"Determination165A. Where an Urban Council resolves to impose and of duty or tax levy a duty in respect of a licence under section 164 or a where several tax on a trade under section 165A, and the trade carried on trades are is one of many other trades carried on in the same carried on. premises, the Council shall determine such duty or tax on the basis of the apportioned annual value of the area of the premises occupied for the purposes of such trade."

Amendment of section 165B of the principal enactment **10.** Section 165B (inserted by Act No. 42 of 1979) is here by amended as follows:

(a) in subsection (1) of that section, by the substitution for the words" or any tax ", of the words" or no tax" ;

(b) by the insertion, immediately after subsection (1) of that section, of the following new subsection:

" (1A) An Urban Council may by resolution impose and levy annually on every person who, within the administrative limits of such Council, practices any profession a tax of an amount not exceeding an amount specified by the Minister by regulation as the maximum amount of 'tax which the Council may so impose and levy. " ;

(c) in subsection (2) of that section, by the substitution for the expression " under subsection (1) ", of the expression " under subsection (1) or subsection (1A) " ;

(d) in subsection (3) of that section

(i) by the substitution for the words " the tax ", of the words " any tax ",

(ii) in the definition of "business ", by the substitution for the words " trade or profession or calling", of the word " trade" ; and

(e) by the substitution for the marginal note to that section, of the following marginal note:

"Tax on businesses and professions. "

Amendment of
section 165c of the
principal enactment

11. Section 165c (inserted by Act No. 42 of 1979) of the principal enactment is hereby amended in subsection (1) of that section by the substitution, in paragraph (b) of that subsection, for the words " less than the prescribed proportion; or " of the words " less than 'that prescribed by the Council by resolution; or".