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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1451/16 – 2006 ජුනි 29 වැනි බ්‍රහස්පතින්දා – 2006.06.29
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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B 4/2006.

THE FINANCE ACT, No. 11 OF 2006

REGULATIONS made by the President under Section 8 of the Finance Act, No. 11 of 2006 read with Section 6 of the aforesaid Act and with paragraph (2) of Article 44 of the Constitution.

MAHINDA RAJAPAKSA,
President.

Colombo,
26th June, 2006.

Regulations

1. These regulations may be cited as the Finance (Tele-drama, Film and Commercial Levy) Regulations, No. 1 of 2006.

2. The Tele-drama, Film and Commercial Levy (hereinafter referred to as “the Levy”), chargeable in terms of Part II of the Finance Act, No. 11 of 2006 (hereinafter referred to as “the Act”), shall, from and after the date of the coming into operation of these regulations, be charged in relation to -

- (a) every tele-drama or film at such rates as corresponds to the duration of the telecast of such tele-drama or film as is specified in Part I ; and
- (b) every commercial, at the rate as is specified in Part II,

of Schedule I to these regulations.

3. No tele-drama, film or commercial shall be telecast by any licensed institution, unless such institution has obtained a Certificate of Clearance issued by the Secretary in accordance with the provisions of regulation 11 of these regulations.

4. The Secretary shall, for the purposes of the Act, in consultation with the Secretaries of the relevant line Ministries, appoint a Group of Resource Persons consisting of not more than fifteen persons. These persons shall be chosen from among persons who have gained eminence in fields such as theatre, television, literature, languages, science, history, psychology and law.

5. (1) Every licensed institution seeking to telecast a tele-drama or film, shall forthwith pay the Levy in terms of Part I of Schedule I to these regulations, where -

- (a) the licensed institution on its own motion determines that it is liable to pay the Levy ; or
- (b) the Certificate issued under regulation 10, requires the licensed institution to pay the Levy referred to therein, as such tele-drama or film is not eligible for an exemption in terms of regulation 6.

(2) Every licensed institution seeking to telecast a commercial shall forthwith pay the Levy in respect of such commercial, in terms of Part II of Schedule I to these regulations.

6. Every licensed institution seeking to telecast a tele-drama or film shall in terms of the proviso to subsection (1) of section 6 of the Act be eligible to claim exemptions if it is of the opinion that the Levy is not chargeable in respect of such tele-drama or film as it falls into any one or more of the following categories, namely :

- (a) documentary ; or
- (b) educational ; or
- (c) children's entertainment ; or
- (d) prescribed categories ; -
 - (i) sports or physical fitness ;
 - (ii) health ;
 - (iii) any international or regional event ;
 - (iv) any international or regional awards ceremony ;
 - (v) any international or regional awards winning film ;
 - (vi) any tele-drama or film originally produced in Tamil ;
 - (vii) a tele-drama or film of which the main cast and the majority of the production crew are Sri Lankan citizens.

7. Every licensed institution seeking to telecast any tele-drama or film shall, where such institution seeks to claim an exemption in terms of regulation 6 of these regulations make an application in that behalf to the Secretary substantially in the form specified in Schedule II to these regulations.

8. The Secretary shall, on receipt of such application refer the same to a Panel constituted in the manner set out in regulation 9 of these regulations to make a determination as to whether or not such tele-drama or film is eligible for an exemption as set out in regulation 6 of these regulations.

9. Panels comprising not more than three persons from among the members of the Group of Resource Persons appointed under regulation 4 shall be nominated by the Secretary to consider the applications submitted under regulation 7 and make a determination thereon. One of the members of the Panel shall be nominated to be the Chairman. The Secretary shall in selecting the Panels be guided by the subject expertise of such persons.

10. The Panel shall be required to make a determination as to whether or not the tele-drama or film referred to the Panel is eligible for an exemption as set out in regulation 6 of these regulations. Upon arriving at a determination on the matter referred to them, the Panel shall notify the Secretary of its decision by forwarding to him of a Certificate in the form set out in Schedule III to these regulations. The decision of a Panel shall be final.

11. Every licensed institution which has paid the Levy in respect of any tele-drama, film or commercial as provided for in regulation 5 of these regulations, shall furnish to the Secretary a written Statement in the form set out in Schedule IV to these regulations, no later than two weeks prior to the intended date for the telecasting of such tele-drama or film or any part or episode thereof, or the first telecast of the commercial for the specified duration, as the case may be. The Secretary shall on receipt of the Statement, upon being satisfied of the facts, issue to the licensed institution a Certificate of Clearance in the form set out in Schedule V of these regulations.

12. The Secretary shall from time to time issue guidelines setting out the criteria to be taken into consideration by the Panels for the purpose of making its determination under these regulations.

13. These regulations shall come into operation on July 1, 2006.

14. For the purposes of these regulations,-

“licensed institution” means an institution licensed under the Sri Lanka Rupavahini Corporations Act, No. 6 of 1982 or any other licensing authority as may be authorised from time to time ;

“Secretary” means the Secretary to the Ministry of the Minister to whom the subject of Media is assigned ;

“telecast” shall include repeat telecasts ;

“tele-drama, film or commercial” means any tele-drama, film or commercial filmed or made outside Sri Lanka and brought into, or imported into Sri Lanka for the purpose of being telecast.

SCHEDULE I

(Regulations 2 and 5)

THE FINANCE ACT, No. 11 OF 2006 TELEDrama, FILM AND COMMERCIALS LEVY

RATES OF LEVY PAYABLE IN RESPECT OF TELE-DRAMAS, FILMS AND COMMERCIALS

Part I

	Category	Duration	Rate
1.	Tele-drama or film if dubbed in Sinhala or Tamil	For every 30 minutes or part thereof	Rs. 90,000
2.	Tele-drama or film not falling within item 1 above	For every 30 minutes or part thereof	Rs. 75,000

PART II

Commercial	For any number of telecast, during the period of three hundred and sixty-five days, commencing on the date of issue of the Certificate of Clearance in respect of such Commercial	Rs. 1,000,000
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SCHEDULE II

(Regulations 7)

THE FINANCE ACT, No. 11 OF 2006
TELEDrama, FILM AND COMMERCIAL LEVY

FORM OF APPLICATION FOR A CERTIFICATE

1. Name of the Licensed Institution : _____,
2. Address : _____,
3. Telephone / Fax : _____,
4. Title of the Tele-drama / Film sought to be telecast : _____,
5. Category under which the exemption is claimed in terms of the regulation : _____,
6. Reasons in support of the claim for exemption : _____,
(Attach separate sheets)

I declare the foregoing to be true and correct. I am submitting herewith a copy of the Tele-drama / Film set out in cage 4 above.

_____,
Signature of Declarant

Name and Designation of Declarant : _____,
Date : _____,

SCHEDULE III

(Regulations 10)

THE FINANCE ACT, No. 11 OF 2006
TELEDrama, FILM AND COMMERCIALS LEVY

CERTIFICATE

Serial No. of Certificate :

The Secretary,
Ministry of Media,

Name of Licensed Institution :
Name of Tele-drama / Film :

We certify that we are satisfied that the aforesaid Tele-drama / Film :-

- (a) is not eligible for an exemption in terms of regulation 6 and is required to pay the Levy ; or
(b) is eligible for an exemption and is not required to pay the Levy.

(Delete whichever is inapplicable)

Members of the Panel :-

Names

Signature

.....
.....
.....

Date :

SCHEDULE IV

(Regulations 11)

STATEMENT

FILL IN PART I OR PART II AS APPLICABLE

PART I

Tele-dramas and Films

Name of Tele-drama or Film	Chargeable/ Non-Chargeable	Total duration of Telecast	*Total period of Telecast	If chargeable amount paid as Levy
				Rs.
				Rs.

PART II

Commercials

Identification	Total duration of commercial	*Total period of Telecast	Amount Paid as Levy
1.			Rs.
2.			Rs.
3.			Rs.
4.			Rs.

*Please specify the proposed Months and Year of telecast.

I state that I have in respect of every tele-drama / film / commercial specified herein :-

- (a) paid the Levy required by these regulations for the telecast ; or
- (b) been granted an exemption under regulation 10 ; and
- (c) I am annexing hereto

- (i) the Payment Slip in proof of payment of the aforesaid Levy ;
- or

- (ii) the Certificate issued under regulation 10.

(Delete whichever is inapplicable)

Signature of declarant :
Name and Designation :
Name of Licensed Institution :
Date :

SCHEDULE V

(Regulations 11)

THE FINANCE ACT, No. 11 OF 2006

TELEDrama, FILM AND COMMERCIALS LEVY

CERTIFICATE OF CLEARANCE

Name of Licensed Institution :

Name of Tele-drama / Film / Commercial :

Serial No. of Certificate issued under regulation 10 :

You are hereby authorised to telecast the above mentioned Tele-drama / Film / Commercial as specified in your Statement dated, on the date / dates and for the duration / periods specified therein.

Date :

07-224

.....

(Signature)

The Secretary,
Ministry of Media.