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EXTRAORDINARY

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No. 1697/1 - MONDAY, MARCH 14, 2011

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## PART IV (A) : PROVINCIAL COUNCIL

### Provincial Councils Notifications

#### EASTERN PROVINCE PROVINCIAL COUNCIL

##### Transfer of Stamp Duty Statute of the Eastern Province, No. 06 of 2010

I, Sivanesathurai Santhirakanthan, the Chief Minister and the Minister of Finance, Local Government, Rehabilitation, Resettlement, Rural Development, Tourism and Environment of the Eastern Province do hereby, by Order published the Transfer of Stamp Duty Statute of the Eastern Province No. 06 of 2010 which has come into operation as on 27th day of December 2010 within the administrative limits of the Eastern Province.

SIVANESATHURAI SANTHIRAKANTHAN,  
Chief Minister and the Minister of Finance,  
Local Government, Rehabilitation, Resettlement,  
Rural Development, Tourism and Environment of  
the Eastern Province.

Chief Minister's Secretariat,  
Eastern Provincial Council,  
Inner Harbour Road,  
Trincomalee,  
On this 08th day of March 2011.

##### TRANSFER OF STAMP DUTY STATUTE OF THE EASTERN PROVINCE, No. 06 OF 2010

A Statute to provide for the transfer of Stamp Duty collected under the Finance Statute No.01 of 2008 of the Eastern Province to the local authorities in the Eastern Province, remittance of administrative cost to the Provincial Fund and incidental thereto –

Be it enacted by the Provincial Council of the Eastern Province as follows :

Short Title	01	This Statute may be cited as, the Transfer of Stamp Duty Statute of the Eastern Province, No. 06 of 2010.
Transfer of Stamp Duty	02	(1) Where the Provincial Council has charged and collected, in terms of the Finance Statute of the Eastern Province No. 01 of 2008, any Stamp Duty (hereinafter referred to as the Duty) on any instrument affecting to a transfer of any immovable property situated within the administrative limits of any Local Authority in the Eastern Province and paid to the provincial Fund of the Eastern Province, the Provincial Council may, on a claim made in writing as provided under Annexure I of this Statute by the Administrative Officer of that Local Authority to the Minister in charge of the Subject of Finance of the Eastern Province within a period

of 02 years from the year in which the Duty was collected as aforesaid, transfer subject to the provisions of sub-section (3), the amount of such Duty to the Local Authority within which administrative limits the immovable property in respect of whose transfer the Duty was collected is situated.

Non-claimed  
Duty

- (2) Any Duty not claimed by a Local Authority or Local Authorities within the period as described under sub section (1) and at the expiry of the period of 2 years as described the Duty as on the first day of January of the following year shall be deemed to have been transferred to the Provincial Fund Provided however that the Duty of the local authority whose Duty has been transferred to the Provincial Fund, may submit late claim to the Minister and if the Minister after having satisfied with the late claim, direct the authority to release such funds as provided under Sub Section (1).

Credit adminis-  
trative cost 1%  
equivalent to the  
duty to the  
Provincial Fund

- (3) Under subsection (1), in the event of the transfer of the Duty to such local authority a sum equivalent to one *per centum* (01%) thereon shall be deducted by the Provincial Council and credited to the Provincial Fund of the Eastern Province being the expenditure of every description incurred by the Provincial Council in connection with the collecting and transfer of the Duty.

This provision shall not apply to the years prior to this statute coming into existence.

Certificate of  
the Registrar  
General

03. No. claim under Sub Sections (1) and (2) of Section 2 shall be valid unless accompanied a Schedule prepared in the manner as prescribed under Annexure II to this Statute for the transfer of the Duty specified in that claim and certified by the Registrar General or any officer authorized by him in that behalf.

Interpretation

04. In this statute, unless the context otherwise requires—

"**Administrative Officer**" means :-

(a) In relation to Municipal Council, the Municipal Commissioner; and

(b) In relation to an Urban Council or a Pradeshiya Sabha, the Secretary thereof ;

"**Instrument**" means the same meaning as provided in the Finance Statute of the Eastern Province No.01 of 2008 ;

"**Local Authorities**" means any Municipal Council, Urban Council and Pradeshiya Sabha and includes any Authority created and established by or Under any law to exercise, perform and discharge powers, functions and duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Councilor Sabah ;

"**Provincial Council**" means the Provincial Council established for the Eastern Province under and by virtue of Article 154 A(l) of the Constitution of the Democratic Socialist Republic of Sri Lanka ;

"**Minister**" means the Provincial Minister in charge for the Subject of Finance in the Eastern Province ;

"**Duty**" means the Stamp Duty provided under Chapter 10 of Section 37 of Sub Section (a) of the Finance Act, No. 1 of 2008.

Tamil Text to  
prevail in the  
event of  
Inconsistency

05. In the event of any inconsistency between the Sinhala and Tamil text of this Statute, the Tamil text shall prevail.

SECTION 2 (1)

Annexure I

**FORM OF CLAIM PRESCRIBED UNDER SECTION 02 OF THE TRANSFER OF STAMP DUTY STATUTE NO. 06. OF 2010 OF THE EASTERN PROVINCE**

Hon. Minister of Finance,  
Eastern Province.

**Claim for transfer of Stamp duty under Section 02 of the Transfer of Stamp Duty Statute No .06 of 2010 of the Eastern Province**

Name of Municipal Council/Urban Council/Pradeshiya Sabha  
.....

In terms of provisions provided under Section 02 of the Transfer of Stamp Duty Statute No.06 of 2010 of the Eastern Province,

I, ..... Municipal Commissioner /Secretary (hereinafter referred to as Administrative Officer) to the .....Municipal Council/Urban Council / Pradeshiya Sabha, do hereby claim a sum of Rupees ..... (Rs.....) being the Stamp Duty in relation to transfer of immovable properties situated within the administrative limits of the said Municipal Council / Urban Council / Pradeshiya Sabha, as per details given in the Schedules annexed hereto for the month.....20.....and request that the said sum of Rs.....be transferred to the said Municipal Council / Urban Council / Pradeshiya Sabha, accordingly.

Signature : .....

Name.....  
(Rubber Stamp)  
Administrative Officer  
Local Authority.

Date : .....

SECTION 3

Annexure II

**FORM OF SCHEDULE PRESCRIBED UNDER SECTION 03 OF THE TRANSFER OF STAMP DUTY STATUTE NO. 06. OF 2010 OF THE EASTERN PROVINCE**

Name of land registry/ District : .....

Details of Stamp Duty relating to Transfer of Properties situated within the administrative limits of  
..... Municipal Council / Urban Council / Pradeshiya Sabha for the Month  
..... 20 .....

Details of Notaries		Details of Instrument				Details of Stamp Duty		Others
01	02	03	04	05	06	07	08	09
Serial No.	Name of Notary and Judicial Zone	Serial No.	Instru-ment No.	Date of attest -ation	Nature of instru-ment	Amount of Duty paid	Type of Payment Stamp (adhesive stamp/ certificate of payment at book)	Remarks

- I. If affixed stamp of the Central Government state "Central Government" or If affixed of / Certificates of payment of any Provincial Council, state the name of such Provincial Council under column 09 .
- II. In case the stamp / Certificates of payment affixed to of any provincial council inadvertently to the instrument relating to Lease or Mortgage Bond, such particulars to be described in the Schedule.
- III. The Stamp Duty of Rs.l/- Affixed to the originals of the instrument as shown under column 06 , that fact should be stated in the "Remarks" column.

Prepared by : (Name) ..... Signature : .....

Checked by : (Name) ..... Signature : .....

Registrar General/Authorized  
Officer named and appointed on his behalf

**FORM OF CLAIM PRESCRIBED UNDER SECTION 03 OF THE TRANSFER OF STAMP DUTY STATUTE No.06. OF 2010 OF THE  
EASTERN PROVINCE**

I ..... the Land Registrar and Additional District Registrar of..... authorized by Registrar General do hereby Certify that :

I hereby certify that the above is the true and correct statement of stamp Duty amounting to Rupees ..... and cents (Rs. .... ) for the month 20..... in respect of ..... Municipal Council/ Urban Council/ Pradeshiya sabha;

The above Statement has been prepared after having perused the duplicates of the instruments available at this office under section 5(1) of the Registration of Documents Ordinance (cap117);

The instrument attested by one Notary has not been entered twice in the Schedules nor has the same instrument been entered under two local authorities; and the Stamp Duty has been paid to the Eastern Provincial Council by affixing Stamps / Certificates of payment issued by Bank.

Signature : .....

Name : ..... .

(Rubber Stamp)

Date : .....

***For the use of the Registrar General Office,***

Hon. Minister of Finance,

Easten Province,

Countersigned and forwarded for necessary action.

Name.....

(Rubber Stamp)

for Registrar General.

Date : .....

Office of the Registrar-General,

No. 243/A3,

Denzil Kobbkaduwa Mawatha,

Baththaramulla.

04-01