

CHAPTER 345

EMBARKATION TAX

Acts
Nos. 19 of 1961,
5 of 1971,
Law
No. 32 of 1976.

AN ACT TO PROVIDE FOR THE LEVY AND RECOVERY OF A TAX IN RESPECT OF PERSONS LEAVING SRI LANKA BY SHIP OR AIRCRAFT, AND FOR MATTERS CONNECTED THEREWITH.

[25th April, 1961.]

Short title.

1. This Act may be cited as the Embarkation Tax Act.

(2) Any person who, under subsection (1), is liable to pay embarkation tax is hereafter in this Act referred to as a "person subject to the embarkation tax".

Embarkation tax to be levied and paid in respect of persons leaving Sri Lanka by ship or aircraft. [§ 2, Law 32 of 1976.]

2. (1) There shall be levied and paid an embarkation tax at such rates as may be specified from time to time by the Minister by Order published in the Gazette—

3. No person subject to the embarkation tax shall be permitted to leave Sri Lanka by ship or aircraft without paying such tax.

Persons subject to the embarkation tax not to be permitted to leave Sri Lanka unless such tax is paid.

(a) in respect of every person leaving Sri Lanka by ship; and

4. (1) Before a person subject to the embarkation tax leaves Sri Lanka by ship or aircraft, such tax shall be collected from such person in the prescribed manner by the operator of that ship or aircraft on behalf of the Government of Sri Lanka.

Embarkation tax to be collected by the operator of ship or aircraft on behalf of the Government of Sri Lanka.

(b) in respect of every person leaving Sri Lanka by aircraft—

(i) from the Bandaranaike International Airport, Colombo,

(ii) from the Colombo International Airport, Ratmalana, or from the Kankasanturai Airport, Jaffna, and

(iii) from any other airport:

(2) Any embarkation tax collected by the operator of any ship or aircraft shall be retained by such operator on behalf of the Government of Sri Lanka pending its payment to the competent authority under this Act.

Provided, however, that the preceding provisions of this subsection shall not apply in the case of—

(3) Where the embarkation tax due from any person leaving Sri Lanka by ship or aircraft is not collected by the operator of that ship or aircraft, such tax may be recovered from such operator in like manner as though it were a debt due to the State.

(a) children who are less than two years of age;

(b) officers and members of the crew of that ship or aircraft;

(c) transit passengers of that ship or aircraft; and

(d) such other persons as may be prescribed.

5. (1) Any embarkation tax collected by the operator of any ship or aircraft from a person leaving Sri Lanka by that ship or aircraft shall, within a period of thirty days from the date of the departure from Sri Lanka of that ship or aircraft, be paid in the prescribed manner by such operator to the competent authority.

Payment of embarkation tax collected by the operator of ship or aircraft to the competent authority.

(2) Where the embarkation tax due from any person leaving Sri Lanka by ship or aircraft is not paid to the competent authority by the operator of that ship or aircraft in accordance with subsection (1), the competent authority may in his discretion order that a sum not exceeding ten *per centum* of the amount of such tax shall be added to such tax and recovered therewith. Any sum so added to such tax shall be deemed to constitute a part of such tax.

other than the remuneration of the officers and servants engaged in such administration and enforcement.

(4) The competent authority shall, after the end of each quarter of each year, furnish to the Minister in charge of the subject of Finance a statement showing the financial position of the Seaport Fund and the Airport Fund in respect of that quarter.

(5) The whole or any part of the surplus which may, at the end of each quarter of any year, be found to the credit of the Seaport Fund after all the payments authorized by this Act to be made out of that Fund have been made, may be applied, in such manner as the Minister in charge of the subject of Finance may from time to time determine, to the improvement of the services and amenities provided for passengers at seaports in Sri Lanka.

(6) The whole or any part of the surplus which may, at the end of each quarter of any year, be found to the credit of the Airport Fund after all the payments authorized by this Act to be made out of that Fund have been made, may be applied, in such manner as the Minister in charge of the subject of Finance may from time to time determine, to the improvement of the services and amenities provided for passengers at airports in Sri Lanka.

6. (1) There shall be established, for the purposes of this Act, a Seaport Fund and an Airport Fund. Each such Fund shall be administered by the competent authority subject to the general direction and control of the Minister in charge of the subject of Finance.

(2) The competent authority shall pay—

- (a) to the Seaport Fund all sums paid or recovered as embarkation tax under this Act in respect of persons leaving Sri Lanka by ship, and
- (b) to the Airport Fund all sums paid or recovered as embarkation tax under this Act in respect of persons leaving Sri Lanka by aircraft.

(3) There shall be paid—

- (a) out of the Seaport Fund the expenses incurred in the administration and enforcement of such of the provisions of this Act and the regulations made thereunder as relate to the levy and recovery of the embarkation tax in respect of persons leaving Sri Lanka by ship, and in the administration of that Fund, and
- (b) out of the Airport Fund the expenses incurred in the administration and enforcement of such of the provisions of this Act and the regulations made thereunder as relate to the levy and recovery of the embarkation tax in respect of persons leaving Sri Lanka by aircraft, and in the administration of that Fund,

7. The operator of any ship or aircraft shall, when requested to do so by the competent authority, furnish to the competent authority such information within the knowledge of that operator in regard to the passengers transported from Sri Lanka by that ship or aircraft as the competent authority may require for the purposes of this Act.

Information necessary for the purposes of this Act to be furnished by the operator of any ship or aircraft to the competent authority.

8. (1) For the purpose of verifying the correctness of any information furnished by the operator of any ship or aircraft in pursuance of this Act or for the purpose of securing compliance with the provisions of this Act or of any regulations made thereunder, the competent authority may—

Powers of entry and inspection of premises and documents.

- (a) enter any premises in Sri Lanka used by such operator for the purposes of his business as a carrier of passengers by ship or aircraft; and

(b) inspect and take copies of any such record of passengers transported from Sri Lanka by any ship or aircraft of that operator as is kept by that operator (whether in pursuance of this Act or otherwise) in relation to his business.

(2) The competent authority may, for the purpose of securing compliance with the provisions of this Act or of any regulations made thereunder, enter on board any ship or aircraft arriving in or departing from Sri Lanka and require the master of that ship or the captain of that aircraft to produce for inspection by the competent authority any document which contains information regarding the passengers to be transported by that ship or aircraft.

Offences.

9. Any person who—

(a) contravenes any of the provisions of this Act or of any regulation made thereunder, or

(b) furnishes any false information to the competent authority,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such fine and imprisonment.

Prosecutions to be by or with written sanction of competent authority.

10. No prosecution for an offence under this Act shall be instituted except by or with the written sanction of the competent authority.

Regulations.

11. (1) The Minister may make regulations for the purpose of carrying out the provisions or giving effect to the principles of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters :—

(a) any matter stated or required by this Act to be prescribed ;

(b) the imposition of such conditions or restrictions on the departure of ships and aircraft from Sri Lanka as are considered necessary for the purpose of securing compliance with the provisions of this Act.

(3) No regulation shall have effect until it is approved by Parliament and notification of such approval is published in the Gazette.

12. The powers conferred on a competent authority by or under this Act, other than the power to sanction a prosecution conferred by section 10, may be exercised on his behalf by any other officer acting under the general or special directions of such authority.

Powers of competent authority exercisable by other officers.

13. In this Act unless the context otherwise requires—

Interpretation.

“captain”, in relation to an aircraft, means the person for the time being in charge, command or control of that aircraft ;

“competent authority”,—

(a) with reference to all matters relating to the embarkation tax in respect of persons leaving Sri Lanka by ship, the operators of ships, and the Seaport Fund, means the Port Commissioner*, Colombo ; and

(b) with reference to all matters relating to the embarkation tax in respect of persons leaving Sri Lanka by aircraft, the operators of aircraft, and the Airport Fund, means the Director of Civil Aviation ;

“master”, in relation to a ship, means the person for the time being in charge, command or control of that ship ;

“operator”—

(a) in relation to a ship, means the owner, agent or master of that ship ; and

(b) in relation to an aircraft, means the owner, agent or captain of that aircraft.

* Shall be deemed to be a reference to the Ports Authority in the application of this provision to any “specified port” within the meaning of section 2 of the Sri Lanka Ports Authority Act—Vide section 86 (3) thereof.