

Finance Act, 2000

Section 116 - Amendment of Act 32 of 1994

During the period commencing on and from the 16th day of July, 1997 and ending with the 16th day of October, 1998, the provisions of Chapter V of the Finance Act, 1994 shall be deemed to have had effect subject to the following modifications, namely:-

(a) in section 65,-

(i) for clause (6), the following clause had been substituted, namely:-

'(6) "assessee" means a person liable for collecting the service tax and includes-

(i) his agent; or

(ii) in relation to services provided by a clearing and forwarding agent, every person who engages a clearing and forwarding agent and by whom remuneration or commission (by whatever name called) is paid for such services to the said agent; or

(iii) in relation to services provided by a goods transport operator, every person who pays or is liable to pay the freight either himself or through his agent for the transportation of goods by road in a goods carriage.';

(ii) after clause (18), the following clauses had been substituted, namely:-

'(18A) "goods carriage" has the meaning assigned to it in clause (14) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);

(18B) "goods transport operator" means any commercial concern engaged in the transportation of goods but does not include a courier agency.';

(iii) in clause (48), after sub-clause (m), the following sub-clause had been inserted, namely:-

"(ma) to a customer, by a goods transport operator in relation to carriage of goods by road in a goods carriage;"

(b) in section 66, for sub-section (3), the following sub-section had been substituted, namely:-

"(3) On and from the 16th day of July, 1997, there shall be levied a tax at the rate of five per cent of the value of taxable services referred to in sub-clauses (g), (h), (i), (j), (k), (l), (m), (ma), (n) and (o) of clause (48) of section 65 and collected in such manner as may be prescribed.";

(c) in section 67, after clause (k), the following clause had been inserted, namely:-

"(ka) in relation to service provided by goods transport operator to a customer, shall be the gross amount charged by such operator for services in relation to carrying goods by road in a goods carriage and includes the freight charges but does not include any insurance charges;"
