

## **FINANCE ACT 1999**

**Act 18/1999**

I assent

A. V. CHETTIAR

29th July 1999

Acting President of the Republic

### **ARRANGEMENT OF SECTIONS**

#### **Section**

1. Short title
2. The Banking Act 1988 amended
3. The Bank of Mauritius Act amended
4. The Companies Act 1994 amended
5. The Customs Act 1988 amended
6. The Excise Act 1994 amended
7. The Finance Act 1998 amended
8. The Finance and Audit Act amended
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12. The National Assembly (Retiring Allowances) Act amended
13. The Non-Citizens (Property Restriction) Act amended
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16. The Registration Duty Act amended
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#### **An Act**

**To provide for the implementation of measures announced in the Budget Speech and for the strengthening and streamlining of certain provisions relating mainly to revenue and public finance.**

ENACTED by the Parliament of Mauritius as follows –

#### **1. Short title**

This Act may be cited as the Finance Act 1999.

## **2. The Banking Act 1988 amended**

The Banking Act 1988 is amended

- (a) In section 2, by deleting the definition of "Director, Fiscal Investigations" and replacing it by the following definition-

"Director-General" means the Director-General under the Unified Revenue Act 1983;

- (b) in section 39, in subsection (5), by deleting the words ", the Director, Fiscal Investigations" and replacing them by the words ", the Director-General".

## **3. The Bank of Mauritius Act amended**

The Bank of Mauritius Act is amended by deleting section 21 and replacing it by the following new section -

### **21. Payments and Clearing Systems**

The Bank shall promote, regulate and organise the efficient and secure operation of payments and clearing systems.

## **4. The Companies Act 1984 amended**

The Companies Act 1984 is amended -

- (a) in section 2, by inserting in its appropriate alphabetical order the following new definition -

"distribution", in relation to a distribution by a company to a shareholder, means -

- (a) the direct or indirect transfer of money or property, other than the company's own shares, to, or for the benefit of, the shareholder; or
  - (b) the incurring of a debt to, or for the benefit of, the shareholder, in relation to shares held by that shareholder, whether by means of a purchase of property, the redemption or other acquisition of shares, a distribution of indebtedness, or by some other means;
- (b) in section 4, in subsection (5), by adding immediately after paragraph (b), the following new paragraph -
  - (c) Where a document is submitted within the prescribed delay to the Registrar to be lodged, and the document is resubmitted or a fresh document is submitted in its place under paragraph (b) as and within the delay required by the Registrar, the document shall, in all circumstances, be deemed to have been lodged before the expiration of the time limit prescribed for the lodging of the document.
- (c) in section 57, by deleting subsection (4) and replacing it by the following subsections -

- (4) Notwithstanding subsection (1)(c), a company admitted for quotation on the Official List of the Stock Exchange may, out of its revenue reserve, purchase up to 5 per cent of its issued share capital.
- (5) The Minister may make such regulations as he deems necessary for carrying into effect the provisions of subsection (4), sections 57A and 57B.
- (6)(a) Subject to section 57A, the issued share capital of a public company shall be deemed to have been cancelled to the extent of the share capital it has purchased pursuant to subsection (4).
- (b) On cancellation of the share capital under paragraph(a)-
  - (i) the rights and privileges attached to the shares so cancelled shall lapse; and
  - (ii) the shares so cancelled may be reissued in accordance with section 57B.
- (c) Any cancellation of share capital under this subsection shall be deemed not to be a reduction of capital under section 62.
- (d) by inserting immediately after section 57, the following new sections -

**57A. Company may hold its own shares**

- (1) Any share capital purchased by a public company pursuant to section 57(4) shall, notwithstanding section 57(6), be deemed not to have been cancelled where -
  - (a) the articles and memorandum of the company specifically provide that it may hold its own shares; and
  - (b) the Board of Directors, by resolution, resolve that the share capital so purchased shall not be cancelled.
- (2) Where the share capital purchased by a public company has not been cancelled pursuant to subsection (1), the shares concerned shall be held by the company in itself.
- (3) Where a company holds any share capital pursuant to subsection (2) -
  - (a) the rights and obligations attached to the shares so held shall not be exercised by or against that company so long as it holds those shares; and
  - (b) that company shall not -

- (i) exercise any voting rights attached to the shares so held; or
- (ii) make or receive any distribution authorised or payable in respect of the shares so held.

**57B. Transfer of own shares held by company**

- (1) where a company holds its own shares pursuant to section 57A and it is specifically provided in its articles and memorandum that it may transfer the shares so held and the Board of Directors, by resolution, resolve that the shares so held be transferred, the shares shall then be transferred.
- (2) A transfer of shares under subsection (1) shall be made as if it were an issue of shares under this Act.
- (3) The company shall, within 14 days of the date of the passing of a resolution under section 57A or 57B, lodge a notice to that effect with the Registrar.

(e) by inserting immediately after section 68, the following new section -

**68A Legal regime applicable to an approved company**

- (1) The provisions of sections 67, 68, 69 and 347(9) to (14) shall not apply to an approved company.
- (2) For the purposes of this section, "approved company" means a public company approved by the Minister, in which Government holds, directly or indirectly, more than 50 per cent of the share capital immediately prior to the sale of any shares which reduces the shareholding of Government to 50 per cent or less.

(f) in section 308 -

- (i) by deleting its heading and replacing it by the following heading -

**Lodging of notice by foreign company relating to business activity**

- (ii) by deleting subsection (1), the existing subsections (2), and (3) being renumbered (1) and (2) respectively;
- (iii) in subsection (1) as renumbered, by deleting the words ", so long as a suspension under subsection (1) of liability to pay a fee in respect of the company continues,";
- (iv) in subsection (2) as renumbered, by deleting the words "in respect of which the Registrar has issued a certificate under subsection (1);"

(g) in section 333 -

- (i) by numbering the existing provisions as subsection (1),
- (ii) by adding immediately after the new subsection (1), the following new subsection -

(2) Where a person is convicted for an offence of

- (a) failure to pay the registration fee under section 340; or
- (b) failure to lodge the annual return,

he shall, in addition to any fine imposed under subsection (1), be ordered by the court to pay the registration fee or to lodge the annual return as the case may be, within such time as the court may determine.

- (h) in section 340, by deleting subsection (1) and replacing it by the following subsections (1), (2), (3), (4) and (5), the existing subsections (2) and (3) being renumbered (6) and (7) respectively -

(1) There shall be paid to the Registrar -

(a) in the case of a foreign company, at the time of its registration, and in respect of every subsequent year, not later than 20 January in that year, the registration fee specified in item 1 of Part 1 of the Eighth Schedule;-

(b) in the case of a company limited by a guarantee or a company with limited liability but without the word "limited" in its name -

(i) at the time of its incorporation, the processing fee specified in item 2(a) of Part 1 of the Eighth Schedule and the registration fee referred to in subparagraph (ii); and

(ii) in respect of every subsequent year, not later than 20 January in that year, the registration fee specified in item 2(b) of Part 1 of the Eighth Schedule;

(c) in the case of any other company

(i) at the time of its incorporation, the processing fee specified in item 3(a) of Part 1 of the Eighth Schedule and the registration fee referred to in subparagraph (ii); and

(ii) in respect of every subsequent year, not later than 20 January in that year, the registration fee corresponding to its issued share capital specified in item 3(b) of Part 1 of the Eighth Schedule.

- (d) in the case of a commercial partnership (societe Commerciale including societe Commerciale de fait), at the time of its registration with the Registrar under the Code de Commerce and in respect of every subsequent year, not later than 20 January in that year, the registration fee specified in item 4 of Part 1 of the Eighth Schedule;
  - (e) in respect of the matters specified in the first column of Part IA of the Eighth Schedule, the fee corresponding to that matter specified in the second column of that Schedule.
- (2) For the purposes of subsection (1), "year" includes part of a Year.
  - (3) Subject to section 340A, the registration fee payable under subsection (1) shall be paid so long as the company or commercial partnership, the case may be, remains registered with the Registrar.
  - (4) Where at any time during the year, the issued share capital of a company referred to in item 3 of Part 1 of the Eighth Schedule is increased, that company shall, at the time the return of allotment of shares is lodged under section 49 or 50 pay, in respect of that year, the difference between the registration fee corresponding to its new share capital and the registration fee already paid.
  - (5) Where a company or commercial partnership is to pay the registration fee payable under subsection (1) on or before the last day on which it is payable under the subsection, it shall be liable to pay, in addition to the registration fee, a surcharge of 50 per cent of the registration fee payable.
  - (h) by inserting immediately after section 340, the following new sections –

**340A. Registration fee not payable in case of cessation of business**

Where a company or a commercial partnership has ceased to carry on business and in respect of which a winding up resolution or striking-off procedure or a dissolution or procedure, as the case may be, has been initiated, no registration fee under section 340 shall be required to be paid as from the year immediately following the year in which the procedure has been initiated.

**340B Publication of names of companies not paying the registration fees**

- (1) Without prejudice to any other action which the Registrar may take under the Act, where a company fails to pay or fails to lodge its annual return, the Registrar may subject to subsection (2) cause to be published, not later than 3 months after the due date, in two newspapers in circulation in Mauritius, the name of the company, the name and address of its directors and the year in respect of which the registration fee has not been paid or the annual return has not been lodged, as the case may be.
- (2) The Registrar shall, prior to the publication referred to in subsection (1), notify the company in writing of his intention to publish the name of the company

in accordance with subsection (1), unless the company pays the registration fee due or lodges its annual return, as the case may be, within 7 days of the date of the notice.

### **340C. Use of computer system**

- (1) Notwithstanding the other provisions of this Act and any regulations made thereunder, the Registrar may authorise-
- (a) the incorporation or registration of a company or the registration of a commercial partnership (societe Commerciale including societe commercial de fait);
  - (b) the payment of processing fee, registration fee and other fees under section 340;
  - (c) the submission of annual return and the lodging of any notice or document; or
  - (d) the performance of any act or thing which is required to be done in relation to paragraphs (a) to (c),  
  
to be made, submitted or done electronically through such computer system as may be approved by him.
- (2) With effect from such date as may be notified in the Gazette, the Registrar may direct that any matter, act or, thing referred to in subsection (1) shall be made, submitted or done electronically or otherwise.
- (i) by deleting the Eighth Schedule and replacing it by the First Schedule to this Act.

## **5. The Customs Act 1988 amended**

The Customs Act 1988 is amended –

- (a) in section 2 -
- (i) by inserting in their appropriate alphabetical order the following new definitions –

“country of export” means -

- (a) the country from which goods are shipped directly to Mauritius; or
- (b) the country from which goods are exported to Mauritius and passing through any other country on their voyage to Mauritius whether transshipped in that other country or not.

"produce" means to grow, to manufacture or to mine;

"transaction value", in relation to imported goods, means the transaction value as determined in accordance with section 18A;

- (b) in section 9, in subsection (1), by deleting the words "The rate of duty" and replacing them by the words 'Subject to section 3(5) of the Revenue (Temporary Protection) Act 1999, the rate of duty';
- (c) in section 17, by adding at the end of subsection (4), the words "and to imprisonment for a term not exceeding 4 years";
- (d) by deleting section 18 and replacing it by the following sections -

**18. Mode of ascertaining ad valorem duties**

- (1) where duty is leviable on goods by reference to their value, the value of those goods shall be the transaction value of the goods as determined with section 18A.
- (2) Subject to subsections (3) and (4), where the value of the goods cannot be determined in accordance with section 18A, the value of those goods shall be determined in accordance with any of the paragraph (a),(c) or(d),in the sequential order in which they appear -
  - (a) the transaction value of identical goods in accordance with section 18B;
  - (b) the transaction value of similar goods in accordance with section 18C;
  - (c) the deductive method of valuation in accordance with section 18D; or
  - (d) the computed method of valuation in accordance with section 18E.
- (3) The importer may, by notice in writing to the Comptroller, opt for the sequence of subsection (2)(c) and (d) to be reversed.
- (4) Where the value of the goods cannot be determined in accordance with any of the sections 18A, 18B, 18C, 18D, 18E the value of those goods shall be determined in accordance with the fall back method of valuation under section 18F.

**18A. Transaction value of goods**

The transaction value of the goods shall be the price actually paid or payable for the goods when sold for export to an importer in Mauritius, adjusted where appropriate in circumstances as may be prescribed, and shall in addition include -

- (a) all costs, charges, and expenses incidental to the sale contract and delivery of those goods; and
- (b) the loading charges, freight, insurance and other charges and expenses in respect of those goods as may be prescribed,

provided that the prescribed conditions are satisfied.

#### **18B. Transaction value of identical goods**

- (1) Where the value of the goods cannot be determined under section 18A, the value of those goods shall be the transaction value of goods which are identical to the goods being valued when sold for export to an importer in Mauritius and exported at the same time or substantially the same time as the goods being valued, provided that the prescribed conditions are satisfied.
- (2) For the purposes of this section, "identical goods"-
  - (a) means goods which -
    - (i) are the same in all respects, including physical characteristics, quality and reputation, as the goods being valued, except for minor differences in appearance that do not affect the value of the goods;
    - (ii) are produced in the country in which the goods being valued are produced; and
    - (iii) are produced by, or on behalf of, the person who produces the goods being valued; but
  - (b) does not include goods where engineering, development work, artwork, design work, plans or sketches undertaken in Mauritius are supplied, directly or indirectly, by the importer of those goods free of charge or at a reduced cost, for use in connection with the production and sale for export of those goods.

#### **18C Transaction value of similar goods**

- (1) Where the value of the goods cannot be determined under section 18B, the value of those goods shall be the transaction value of goods which are similar to the goods being valued when sold for export to an importer in Mauritius and exported at the same time or substantially the same time as the goods being valued, provided that the prescribed conditions are satisfied.
- (2) For the purposes of this section, "similar goods"-
  - (a) means goods which -
    - (i) closely resemble the goods being valued in respect of component materials, parts and characteristics and are functionally and commercially interchangeable with the goods being valued, having regard to the quality and reputation of the goods and the goods being valued;

- (ii) are produced in the country in which the goods being valued are produced, and
    - (iii) are produced by the person who produces the goods being valued, but
  - (b) does not include goods where engineering, development work, artwork, design work, plans or sketches undertaken in Mauritius are supplied, directly or indirectly, by the importer of those goods, free of charge or at a reduced cost, for use in connection with the production and sale for export of those goods
- (3) Where the goods are not produced by the person who produces the goods being valued, the goods produced by a different person shall be taken into consideration for the purposes of subsection (2).

**18D. Deductive method of valuation**

- (1) Where the value of the goods cannot be determined under section 18C, the value of those goods shall be determined in accordance with the deductive method of valuation specified in subsection (2).
- (2) The deductive method of valuation shall be based on the sale value in Mauritius of the goods being valued or of identical or similar goods less such expenses in respect of the importation and sale of those goods, as may be prescribed.

**18E. Computer method of valuation**

- (1) Where the value of the goods cannot be determined under section 18D, the value of those goods shall be determined in accordance with the computed method of valuation specified in subsection (2).
- (2) The computed method of valuation shall be based on the total sum of the cost of production and of materials used in producing the goods being valued together with the profit and general expenses usually reflected in a sale for export to an importer in Mauritius, as may be prescribed

**18F. Fall back method of valuation**

- (1) Where the value of the goods cannot be determined under section 18E, the value of those goods shall be determined in accordance with the fall back method of valuation specified in subsection (2).
- (2) Subject to subsection (3), the fall back method of valuation shall be determined on the basis of the value from the methods of valuation specified in sections 18A to 18E applied in a reasonable manner and adjusted to the extent necessary to arrive at the value of the goods being valued.

- (3) The value of the goods being valued under subsection (2) shall not be determined on the basis of -
- (a) the selling price in Mauritius of those goods produced in Mauritius;
  - (b) a system which provides for the acceptance for duty purposes of the higher of two alternative values;
  - (c) the price of those goods on the domestic market of the country of export;
  - (d) the costs of production other than the computed method of valuation under section 18E,
  - (e) the price of the goods for export to a country other than Mauritius: or
  - (f) arbitrary or fictitious values.

(e) by deleting section 19 and replacing it by the following sections -

**19. Under or over valuation of goods**

- (1) Where the Comptroller finds that goods have been declared at a value different from their true value he may, on the basis of the information provided by the importer and on such other information as is available to the Comptroller, determine the value of those goods and the importer shall pay duty, excise duty and taxes, if any, on the value so determined.
- (2) On determination of the value of any goods under subsection (1), the Comptroller shall give to the importer notice in writing of the basis of the valuation
- (3) Where the importer disputes the value of the goods determined by the Comptroller, he may, within 7 days of the date of the notice under subsection (2), notify the Comptroller of the dispute in writing.

**19A. Confidentiality**

- (1) Except for the purposes of administering customs laws or for the purposes or any judicial proceedings, no officer shall communicate to any person any matter relating to the valuation of any goods.
- (2) Any officer who, without lawful excuse, contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 2 years.

(f) by inserting immediately after section 43, the following new section -

#### **43A. Record**

- (1) Every person who, in the course of his business, imports or exports goods shall for the purposes of any customs laws, keep a full and true written record whether on computer or otherwise, in the English or French language of every transaction he makes.
- (2) Every person referred to in subsection (1) shall, in respect of any goods keep in chronological order, a copy of the entry he makes, either electronically through the TradeNet or otherwise, together with a copy of the documents delivered to the Comptroller with that entry.
- (3) Every record under subsections (1) and (2), shall be kept for a period of at least 5 years after the completion of the transaction to which it relates and shall be made available on demand by the proper officer.
- (4) For the purposes of subsection (2), "TradeNet" has the same meaning as in the Customs (Use of Computer) Regulations 1997.
- (5) Any person who fails to keep, or to make available to the proper officer, any record required to be kept under this section shall commit an offence and shall, on conviction be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 3 years.

#### **6. The Excise Act 1994 amended**

The Excise Act 1994 is amended -

- (a) in section 3, by adding immediately after subsection (2), the following new subsection -
  - (3) The goods described in Part 1A of the First Schedule shall, on fulfillment of any conditions laid down under the terms of the exemption, be subject, to the payment of excise duty to the extent specified in respect of such goods.
- (b) in the First Schedule -
  - (i) by deleting the provisions, the items and their corresponding entries, specified in Part A of the Second Schedule to this Act; and
  - (ii) by inserting in their appropriate numerical places the provisions, the items and their corresponding entries. specified in Part B of the Second Schedule to this Act.

#### **7. The Finance Act 1998 amended**

The Finance Act 1998 is amended in section 23 by deleting the words, "Director, Fiscal Investigations" and replacing them by the words "Director-General".

## **8. The Finance and Audit Act amended**

The Finance and Audit Act is amended in section 6, in subsection (3), by deleting the words "1,500 million rupees" and replacing them by the words "3,500 million rupees".

## **9. The Gaming Act amended**

The Gaming Act is amended –

- (a) in section 29 -
  - (i) in subsection (2), by deleting paragraph (b) and replacing it by the following paragraph –
    - (b) in respect of each horse race, pay -
      - (i) the tax specified in paragraph 2(c) of the Eighth Schedule; and
      - (ii) the tax specified in paragraph 2(d) of the Eighth Schedule.
  - (ii) by deleting subsection (5) and replacing it by the following subsection -
    - (5) Any bookmaker may recover the tax leviable -
      - (a) under subsection (2)(b)(i) from the person who places the bets;
      - (b) under subsection (2)(b)(ii) from the person to whom the winnings are payable.
- (b) in section 30A, in subsection (2), by deleting the words "29(2)(b)" and replacing them by the words "section 29(2)(b)(ii)";
- (c) in section 40C, in subsection (1) -
  - (i) by deleting the words "the person to whom the winnings are paid out" and replacing them by the words-"the person who places the bets or to whom the winnings are paid out, as the case may be";
  - (ii) by deleting paragraphs (d) and (e) and replacing them by the following paragraphs -
    - (d) the amount of the bets or the amount of the winnings, as the case may be;
    - (e) the amount of tax leviable on the bets or on the winnings, as the case may be;
- (d) in the Seventh Schedule, by deleting the words "10 per cent"

and "12 per cent" and replacing them by the words "12 per cent and "14 per cent" respectively; and

- (e) in the Eighth Schedule, in paragraph 2, by deleting subparagraph (c) and replacing it by the following subparagraph-
  - (c) a tax equal to 10 per cent on the gross amount in respect of bets; and
  - (c) a tax equal to 2 per cent of the amount payable as winnings on any bets made.

## **10. The Income Tax Act 1995 amended**

The income Tax Act 1995 is amended

- (a) in section 2-
  - (1) by inserting in its appropriate alphabetical order the following new definition -

"disabled Person" means a person suffering from permanent disablement;
  - (ii) by deleting the definition of employees' share participation scheme" and replacing it by the following definition-

"Employees' share scheme" means a scheme or fund established for the benefit of the employees of an employer and approved by the Commissioner;
  - (iii) by deleting the definition of "manufacturing company" and replacing it by the following definition -

"manufacturing company

    - (a) means a company which derives at least 75 per cent of its gross income from manufacturing activities in Mauritius; but
    - (b) does not include -
      - (i) a company engaged in the manufacture of alcoholic drinks or cigarettes and other tobacco products; or-
      - (ii) a company engaged in carrying on the business of restaurant;
- (b) in section 18, by adding immediately after subsection (3), the following new subsection -
  - (4) An amount equal to 200 per cent of expenditure incurred by a person in an income year and which satisfies the requirements of subsection (1) shall be

deductible from his gross income in that income year where the expenditure is incurred on -

- (a) emoluments in respect of a disabled person; or
  - (b) emoluments and training costs in respect of an employee employed in any business set up in the Island of Rodrigues.
- (c) in section 25 -
- (i) in subsection (3), in paragraph (b), by inserting immediately after the words „fisheries or livestock products," the words "or for manufacture,";
  - (ii) in subsection (6), by deleting the words "Where a deduction has been allowed" and replacing them by the words "Subject to subsection (7), where a deduction has been allowed";
  - (iii) by inserting immediately after subsection (6), the following new subsection, the existing subsection (7) being renumbered (8) accordingly -
    - (7) Subsection (6) shall not apply where a person sells or otherwise transfers plant or machinery to a relative or to a related company and the plant or machinery sold or transferred is used by the relative or the related company for the production of gross income.
- (d) in section 26, in subsection (1), by deleting the words "Subject to the other provisions of this section" and replacing them by the words "Notwithstanding sections 18 and 19 but subject to the other provisions of this section";
- (e) in section 30 -
- (i) in subsection (1), by deleting paragraph (d) and replacing it by the following provisions -
    - (d) on a loan raised on the pledge of shares or debentures, and used exclusively for the purchase of land to be used for the construction of his residence or for the purchase, construction or improvement of his residence.
  - (ii) by deleting subsection (4), the existing subsection (5) being renumbered (4) accordingly.
- (f) in Section 31-
- (i) in subsection (1), by deleting the words "and to section 35";
  - (ii) by adding immediately after subsection (3) the following new subsection -

(3) The relief under this section shall not, in the aggregate exceed 80.000 rupees.

(g) by deleting section 35 and replacing it by the following section-

**35. Savings relief**

The relief by way of deductions under sections 32, 33 and 34 shall, in the aggregate, be limited to 20 per cent of the net income of the persons

(h) by inserting immediately after section 36 the following new section -

**36A. Relief for shares traded on the Official List of the Stock Exchange**

(1) Subject to the other provisions of this section, every person shall in respect of shares traded on the Official List of the Stock Exchange, be allowed a relief by way of deduction from his net income -

(a) for the income year ended 30 June 1999, the value of shares held by him at 30 June 1999-, and

(b) for the income year ending 30 June 2000, the excess of the value of shares held by him at 31 December 1999 over the value of shares held by him at 30 June 1999.

(2)(a) For the purposes of subsection (1)(a), the value of shares held at 30 June 1999 shall be computed by deducting from the aggregate purchase value of shares acquired as from 15 June 1999, the aggregate sale value of any shares sold, transferred or otherwise disposed of during the period 15 to 30 June 1999, irrespective of the date on which the shares sold, transferred or otherwise disposed of were acquired.

(b) For the purposes of subsection (1)(b), the value of share held at 31 December 1999 shall be computed by deducting from the sum of the value of shares held at 30 June 1999 and the aggregate purchase value of shares acquired as from 1 July 1999, the aggregate sale value of any shares sold, transferred or otherwise disposed of during the period 1 July to 31 December 1999, irrespective of the date on which the shares sold, transferred or otherwise disposed of were acquired.

(3) The relief under this section shall not, in aggregate, exceed -

(a) 10,000 rupees in respect of the income year ended 30 June 1999; and

(b) 10,000 rupees in respect of the income year ending 30 June 2000.

- (4) Where a person has been allowed a deduction under this section in respect of the income year ended 30 June 1999 and the value of shares held by him at 30 June 1999 exceeds the value of shares held by him at 31 December 1999, the excess, to the extent of the amount of relief allowed under this section, shall be withdrawn and the amount so withdrawn shall be deemed to be the gross income of the person for the income year ending 30 June 2000.
- (5) Subject to subsection (6), for the purposes of computing the excess amount of the relief to be withdrawn under subsection (4),
- (a) where the value of the shares held at 30 June 1999 and at 31 December 1999 does not each exceed 10,000 rupees, the excess amount of the relief to be withdrawn shall be the difference between the value of the shares held at 30 June 1999 and the value of the shares held at 31 December 1999;
  - (b) where the value of the shares held at 30 June 1999 exceeds 10,000 rupees but the value of the shares held at 31 December 1999 does not exceed 10,000 rupees, the value of the shares held at 30 June 1999
  - (c) where the value of the shares held at 30 June 1999 and at 31 December 1999 exceeds 10,000 rupees, the excess amount of the relief to be withdrawn shall be deemed to be zero.
- (6) Where the value of shares held at 31 December 1999 exceeds the value of shares held at 30 June 2000, the latter value shall be used for the purposes of computing the amount of relief under subsection (1)(b) or the excess amount of relief to be withdrawn under subsection (4), as the case may be.
- (7) For the purposes of subsection (6), the value of shares held at 30 June 2000 shall be computed by deducting from the sum of the value of shares held at 31 December 1999 and the aggregate value of shares acquired as from 1 January 2000, the aggregate sale value of any shares sold, transferred or otherwise disposed of during the period 1 January to 30 June 2000, irrespective of the date on which the shares sold, transferred or otherwise disposed of were acquired.
- (i) in section 46 -
- (i) in subsection (3), by deleting the words "Any amount distributed" and replacing them by the words "Subject to subsection (4), any amount distributed";
  - (ii) in subsection (4), by deleting the words "shall be liable to income tax in respect of his income from the trust at the rate specified in Part II of the First Schedule" and replacing them by the words "shall be exempt from income tax in respect of his income from the trust";

- (j) in section 49, in subsection (2)(a), by deleting the words "Part IV of the First Schedule" and replacing them by the words "Part II, Part III or Part IV of the First Schedule, as the case may be";
- (k) in section 59, by inserting immediately after subsection (3) the following new subsection (4), the existing subsections (4) and (5) being renumbered (5) and (6) respectively -
  - (4)(a) Where a subsidiary company which operates a business in the Island of Rodrigues satisfies the Commissioner that it has in an income year incurred a loss, it may transfer in that income year any unrelieved loss to its holding company in Mauritius.
  - (b) Any unrelieved loss transferred in accordance with paragraph (a) shall be deemed to be incurred by the holding company in the income year in which the loss is transferred and shall be available for set off against the act income of the holding company.
- (l) by inserting immediately after section 67C the following new section -

**67D. Contributions to employees' share scheme**

Every company shall, in an income year, be allowed a deduction from its gross income in respect of any contribution made in that income year to an employees' share scheme.

- (m) in section 95, in subsection (2), by deleting the words "sections 31, 32, 33 and 34" and replacing them by the words "sections 32, 33 and 34";
- (n) in section 107, in subsection (2), by deleting the words "sections 31, 32, 33 and 34" and replacing them by the words "sections 32, 33 and 34";
- (o) by inserting immediately after section 122, the following new section -

**122A. Publication of names of companies not submitting returns**

- (1) Notwithstanding section 8A of the Unified Revenue Act 1983 and section 154 of this Act but subject to subsection (2), where a company fails to submit a return under section 116, the Commissioner may, without prejudice to any action he may take under this Act, with the approval of the Authority established under the Unified Revenue Act 1983, cause to be published, not later than 5 months after the due date, in 2 newspapers in circulation in Mauritius, the name of the company, the name and address of its directors and the year of assessment in respect of which the return has not been submitted.
- (2) The Commissioner shall, prior to the publication referred to in subsection (1), notify the company in writing of his intention to publish the name of the company in accordance with subsection (1), unless the company submits the return due within 7 days of the date of the notice.

- (p) in section 123, in subsection (7), by deleting the words "Director, Fiscal Investigations" and replacing them by the words "Director-General";
- (q) in section 134, in subsection (1), by deleting the words "or an assessment, under sections 20, 59, 99, 114(3), 123(5), 127(3), 131A and 131B" and replacing them by the words "under sections 20, 59, 98, 114(2), 123(4), 127(2), 131A and 131 B";
- (r) in section 135, by deleting the words "Except in proceedings on appeal under section 134 -" and replacing them by the words "Except in proceedings on objection to assessments under section 131A or on appeal under section 134 -";
- (s) by inserting immediately after Part XI, the following new Part -

**PART XIA - COMMISSIONER OF INLAND REVENUE**

**144A. Payment of tax under PAYE**

- (1) Notwithstanding sections 100 and 101 and regulations 22(5) and (6) of the Income Tax Regulations 1996, where in respect of a month, an employer submits a single return for both PAYE and VAT to the Commissioner of Inland Revenue under section 8B of the Unified Revenue Act 1983 and pay tax, if any, in accordance with that section, he shall be deemed to have submitted and paid tax, if any, to the Commissioner under this Act for that month.
- (2) For the purposes of this section, "VAT" has the same meaning as in the Value Added Tax Act 1998.

**144B. Power to require information and production of books and records**

Without prejudice to section 127(2) of this Act and to sections 7A and 8 of the Unified Revenue Act 1983, where, in respect of a period, the Commissioner of Inland Revenue is satisfied that a person has complied with the requirements of any of the provisions of section 8C of the Unified Revenue Act 1983, that person shall be deemed to have complied with the requirements under section 123, 124, 125 or 126 of this Act, as the case may be, for that period.

- (t) in the First Schedule -
  - (i) by deleting Part I and replacing it by the following Part -

**PART I - INDIVIDUALS**

| Chargeable income          | Rate of tax |
|----------------------------|-------------|
| On the first 15,000 rupees | 5 per cent  |
| On the next 25,000 rupees  | 15 per cent |
| On the next 25,000 rupees  | 25 per cent |

On the remainder 28 per cent

(ii) in Part V -

(A) in item 22, by deleting the words "agriculture, other than sugar cane cultivation, but including fishery and livestock" and replacing them by the words "agriculture, fishery and livestock";

(B) by adding immediately after item 28, the following new item-

29. A company engaged in the hotel industry

30. A company deriving at least 75 per cent of its gross income from software development

31. A company operating a duty free shop, other than a duty free shop at the port or airport, under the Customs Act 1988

32. A company approved by the Minister responsible for the subject of education or by the Tertiary Education Commission established under the Tertiary Education Commission Act 1988. as a company engaged in the provision of secondary or tertiary education, as the case may be

(u) in the Second Schedule –

(i) in item 13-

(A) in item 13-

(aa) by inserting immediately after the words "expatriate employee" the words ". or of a specified Mauritian employee.";

(ab) by adding at the end of the item the words "and that the period of exemption granted to the expatriate employee and specified Mauritian employee does not exceed, in the aggregate, 4 income years for each enterprise or company";

(B) in item 14 -

(aa) by lettering the existing provisions as paragraph (a);

(ab) in paragraph (a) as relettered, by inserting immediately after the words "expatriate employee" the words ", or of a Specified Mauritian employee,";

(ac) by adding at the end of the item the words "provided that the period of exemption granted to the expatriate employee and specified Mauritian employee does not exceed, in the aggregate, 4 income years for each enterprise or company";

- (ad) by adding immediately after paragraph (a) as relettered, the following new paragraph-
  - (b) For the purposes of paragraph (a) and item 13, "specified Mauritian employee" means an employee who is a citizen of Mauritius and who has immediately before taking up employment in Mauritius, been abroad for a period of, or an aggregate period of, 270 days or more in each of the ten income years immediately preceding the income year in which he is employed in Mauritius;
- (ii) in Part III by deleting item 6 and replacing it by the following item -
  - 6. Royalty payable to a non-resident by an offshore corporation holding a certificate or licence under the Mauritius Offshore Business Activities Act 1992, the Offshore Trusts Act 1992 or the Banking Act 1988, as the case may be.
- (iii) in Part IV, in item 6, by inserting immediately after the words "firm electrical power", the words "or continuous electrical power";
- (v) in the Third Schedule, in item 3(b), by adding immediately after the word "profession" the words " or being unemployed";
- (w) by deleting the Fifth Schedule and replacing it by the Third Schedule to this Act; and
- (x) by deleting the Seventh Schedule and replacing it by the Fourth Schedule to this Act.

#### **11. The Land (Duties and Taxes) Act 1984, amended**

The Land (Duties and Taxes) Act 1984 is amended –

- (a) in section 2, in the definition of-
  - (i) "deed of transfer" -
    - (A) in paragraph (a)(i), by deleting the words between an ascendant on the one hand and a descendant" and replacing them by the words "by an ascendant on the one hand to a descendant",
    - (B) in paragraph (b), by inserting after subparagraph (iii), the following new subparagraphs (iv) and (V), the existing subparagraph (iv) being renumbered (vi)-
      - (iv) a deed witnessing that property owned or purchased by a partnership is, on its dissolution, attributed to any partner of the dissolved partnership;

- (v) a deed witnessing that property brought by way of an "apport" by a partner in a partnership is, on its dissolution, attributed to any of the partners of the dissolved partnership;
- (ii) "property", in paragraph (b), by adding immediately after subparagraph (iii), the following subparagraphs -
  - (iv) any immovable property owned or purchased by a partnership which is attributed, on its dissolution, to any of the partners of the dissolved partnership;
  - (v) any immovable, property brought by way of an "apport" by a partner in a partnership which is attributed, on its dissolution, to any of the partners of the dissolved partnership;
- (iii) "transferor", by deleting paragraph(c) and replacing it by the following paragraph -
  - (c) in the case of a partnership, the property of which is, on its dissolution, attributed to any of the partners of the dissolved partnership, the partnership immediately before its dissolution;
- (b) section 3, by deleting subsection (1) and replacing it by the following subsection -
  - (1) Notwithstanding any other enactment but subject to this Act, there shall be levied, on the registration of any deed witnessing a transfer of immovable property or creating a mortgage or a fixed charge (surete fix), the duty, at the rate in force at the time of registration, in accordance with the Registration Duty Act.
- (c) in section 4 -
  - (i) in subsection (1), by deleting paragraph (b) and replacing it by the following paragraph -
    - (b) in the case of any immovable property attributed by a partnership on its dissolution to any of the partners of the dissolved partnership, on the value of the immovable property, such value being inclusive of the value of any building, flat or apartment forming part of the immovable property so attributed;
  - (ii) by deleting subsection (3) and replacing it by the following subsection -
    - (3) Notwithstanding any other enactment -
      - (a) where property owned by a company is attributed on winding up, liquidation or dissolution of the company or in any other manner to any of its shareholders;

- (b) where property owned or purchased by a partnership is attributed, on its dissolution, to any of the partners of the dissolved partnership; or
- (c) where property brought into a partnership by way of an "apport" by any of its partners is attributed, on its dissolution, to any of the partners,

the deed witnessing such attribution shall be deemed to constitute sufficient evidence for the purposes of subsection (1) that the property has duly been transferred to that shareholder or partner, in the case may be, on the date the attribution takes place.

- (iii) in subsection (5), by adding immediately after paragraph (c), the following new paragraph, the full stop at the end of paragraph (c) being deleted and replaced by a semi-colon -

- (d) where the transfer is made between spouses

- (d) in section 5, by deleting the words "an ascendant or descendant" and replacing them by the words 'a descendant';

- (e) in section 8, in the definition of "purchase price" -

- (i) by deleting the words "means in the case of an immovable property acquired -" and replacing them by the words "means in the case of an immovable property or lot acquired-"

- (ii) in paragraph (e) by inserting immediately after the word "property", the words "or lot",

- (f) in section 9

- (i) in subsection (i)-

- (A) by lettering the existing provisions as paragraph (a), and

- (B) by adding immediately after paragraph (a) as relettered, the following new paragraph-

(b) where an owner of an immovable property makes a morcellement and any lot therein is brought (apporte) by him into a partnership, that partnership shall, on the transfer of that lot, pay a capital gains tax in accordance with paragraph (a)

- (ii) in subsection (2) by deleting paragraph (a) and replacing it by the following paragraph -

- (a) where the transfer is made by an ascendant on the one hand to a descendant or the latter's spouse or surviving spouse on the other hand;

- (g) by repealing Part V;
- (h) in section 26A, in subsection (3), by deleting the words "the value of shares" and replacing them by the words "the nominal value of shares"; and
- (i) by inserting immediately after section 28, the following new section -  
**29 Transfer of immovable property by an ascendant to a descendant**
  - (1) Subject to subsection (2), where an ascendant transfers an immovable property to a descendant and the property so transferred was acquired by the ascendant from a descendant, the duties and taxes under this Act or the duty under the Registration Duty Act shall, notwithstanding any other provisions of this Act or the Registration Duty Act, be levied on the deed of such transfer.
  - (2) Where a descendant transfers an immovable property to an ascendant and the property so transferred was acquired by the descendant from that same ascendant, no duty or tax under this Act and no duty under the Registration Duty Act shall be levied on the deed of such transfer.
- (j) in section 45A, in subsection (2), by deleting the words "80,000 rupees" and replacing them by the words "100,000 rupees"; and
- (k) in the Fifth Schedule, by deleting Part II and replacing it by the following part - ,

**PART II**

| Rate of Tax               | Zones |
|---------------------------|-------|
| 6 rupees per square metre | A     |
| 5 rupees per square metre | B     |
| 4 rupees per square metre | C     |
| 3 rupees per square metre | D     |
| 2 rupees per square metre | E     |

**12. The National Assembly (Retiring Allowance) Act amended**

The National Assembly (Retiring Allowances) Act is amended in section 2 by deleting the definition of "annual pensionable emoluments" and replacing it by the following, definition-

"annual pensionable emoluments" means -

- (a) the annual salary payable to a member immediately before he ceases to be a member or the current annual salary payable to a member, whichever is the higher; or

- (b) in the case of a member who also held an office while he was a member, the annual salary which was payable in respect of that office or the current annual salary payable in respect of such office, which ever is the higher.

**13. The Non-Citizens (Property Restriction) Act amended**

The Non-Citizens (Property Restriction) Act is amended –

- (a) In section 3, in subsection (3), by deleting paragraph (c), the existing paragraphs (d) and (e) being relettered (c) and (d) respectively;
- (b) In section 6 -
  - (i) in subsection (2), in paragraph (b), by deleting the words "or an Offshore Banking Licence" and replacing them by the words "to all offshore company or an offshore bank, as the case may be",
  - (ii) in subsection (3), by deleting the words "or Offshore Banking licence" wherever they appear.

**14. The Offshore Trusts Act 1992 amended**

The Offshore Trusts Act 1992 is amended in section 77A -

- (a) in subsection (1), by deleting the words "and its non-resident beneficiaries"; and
- (b) by deleting subsection (2) and replacing it by the following subsection -
  - (2) A non-resident beneficiary of an offshore trust shall be exempt from income tax on the income derived from the trust.

**15. The President's Emoluments and Pension Act 1992 amended**

The President's Emoluments and Pension Act 1992 is amended in section 5 -

- (a) by numbering the existing provisions as subsection (i); and
- (b) by adding immediately after the new subsection (1), the following new subsection -
  - (2) For the purposes of subsection (1), the surviving spouse of the person who held the former office of Governor-General on 26 December 1983 shall be deemed to be the spouse of a President who died after retirement.

**16. The Registration Duty Act amended**

The Registration Duty Act is amended -

- (a) in section 2, by deleting the definition of "deed of transfer,"

and replacing it by the following definition - c@

"deed of transfer" -

(a) means a deed witnessing the transfer of property with or without consideration; and

(b) includes -

(i) a notice witnessing the compulsory acquisition of property under the Land Acquisition Act; or

(ii) a deed of transfer under the land (Duties and Taxes) Act 1984;

(b) in section 3, by deleting subsection (1) and replacing it by the following subsection -

(1) Notwithstanding any other enactment but subject to this Act. duty shall be levied on the registration of -

(a) any deed other than those specified in paragraph (b), at the rate in force at the time of registration, in accordance with Parts I to IV of the First Schedule;

(b) any deed of transfer without consideration made inter vivos between persons other than by an ascendant to a descendant, at the rate in force at the time of registration in accordance with Part V of the Schedule.

(c) in section 36 -

(i) in paragraph (b) by adding immediately after subparagraph (viii) the following new subparagraph, the full stop at the end of subparagraph (viii) being deleted and replaced by a semi-colon -

(ix) if applicable, the name of the descendant or ascendant from whom the ascendant or descendant acquired the property, the degree of their relationship and the date of acquisition of the property being transferred by the ascendant or descendant, as the case may be.

(ii) in paragraph (h), by deleting subparagraph (ii), the existing subparagraphs (iii) and (iv) being renumbered (ii) and (iii) respectively;

(d) in the First Schedule -

(i) in Part 1 in paragraph J, in item 8(b), by deleting subparagraph (iii);

- (ii) in Part 111, by deleting item 5 and replacing it by the following item -
  - 5 Deeds of transfer except deeds of transfer referred to in section 29 of the Land (Duties and Taxes) Act 1984 -
    - (a) by an ascendant on the one hand to a descendant or the latter's spouse or surviving spouse on the other hand;
    - (b) between spouses; and
    - (c) between the heirs of a deceased persons of properly acquired by inheritance from that person.
- (iii) by inserting immediately after item 9, the following new items -
  - 10 Any deed witnessing the purchase of land by, or lease of land to, a holder of a Health Development Certificate under the Health Development Certificate Act 1992.
  - 11 Any deed witnessing the purchase of land by, or lease of land to, a purchaser or lessee provided that the land is used by the purchaser or lessee for the construction of buildings for use as a secondary or tertiary educational institution.

## 17. The Stock Exchange Act 1988 amended

The Stock Exchange Act is amended –

- (a) in section 2 -
  - a
    - (i) by deleting the definition of "Executive Committee";
    - (ii) in the definition of "member" or "member company", by deleting the word "stockbroking";
    - (iii) in the definition of "securities", by adding at the end of the definition, the words "or any rights or interests, whether described as units or otherwise under an unit trust scheme under the Unit Trust act 1989";
    - (iv) by inserting in their appropriate alphabetical order, the following definitions-
      - "advertisement"-
      - means any activity of communication which is to be or has been

distributed to any person by any means and which is authorised or initiated by or on behalf of the issuer or prepared with the co-operation or by arrangement with the issuer, and-

- (i) which contains or refers to an offer of securities to the public for subscription; or
- (ii) which is reasonably likely to induce persons to subscribe for securities of the issuer, being securities to which that communication relates and which have been or are to be offered to the public for subscription.

whether or not consideration is to be or has been paid for the distribution of that communication;

"Board of Directors" means the Board of Directors referred to in section 14(2);

- (b) in section 8, by deleting paragraph (c) and replacing it by the following paragraph -
  - (c) to carry out investigations and take measures to suppress illegal, dishonourable and improper practices in relation to dealings in securities;
- (c) in section 14, in subsection (2)(b), by deleting the words "an Executive Committee" and replacing them by the words "its Board of Directors";
- (d) in section 20 -
  - (i) in subsection (1) by deleting the words "body corporate" and replacing them by the word "company";
  - (ii) in subsection 2, by deleting paragraph (a), the existing paragraphs (b), (c), (d), (e) and (f) being relettered (a), (b), (c), (d) and (e) respectively;
- (e) in section 22, in subsection (1), by deleting the words "Executive Committee" and replacing them by the words "Board of Directors";
- (f) in section 24, by deleting paragraph (c), the words "; and" at the end of paragraph (b) being deleted and replaced by a full stop;
- (g) in section 28, by inserting immediately after subsection (4) the following new subsection (5), the existing subsection (5) being renumbered (6) accordingly -
  - (5) Where the Stock Exchange Company grants an application under subsection (4), it shall forthwith forward a copy of the listing particulars referred to in section 33 (2) to the Stock Exchange Commission.
- (h) in section 33 -

- (i) in subsection (1), by deleting the words "an information sheet" and replacing them by the words "listing particulars";
  - (ii) by deleting subsection (2) and replacing it by the following subsection -
    - (2) The listing particulars shall contain all such particulars as are specified in the Listing Rules to enable any interested person to be reasonably well informed.
  - (iii) in subsection (3), by deleting the words "information sheet" and replacing them by the words "listing particulars";
  - (iv) in subsection (5), by inserting immediately after the word "prospectus", the words "not being a prospectus which also serves as listing particulars";
- (i) by inserting immediately after section 33, the following new section -

**33A. Prohibition of advertisements**

- (1) Where at any time the Commission is of the opinion that an advertisement under section 33(4) -
- (a) is likely to deceive, mislead, or confuse with regard to any particular that is material to the offer of securities to which it relates;
  - (b) is inconsistent with any registered prospectus referred to in it; or
  - (c) does not comply with this Act or any regulations made thereunder,
- the Commission may make an order prohibiting the distribution of that advertisement or any advertisement which relates to the offer of securities.
- (2) An order under subsection (1) may be made on such terms and conditions as the Commission thinks fit.
- (3) Where the Commission makes an order under this section -
- (a) it shall forthwith notify the issuer of the securities that the order has been made and the reasons for making it; and
  - (b) it may notify any other person that the order has been made and the reasons for making it.
- (4) Any person who contravenes an order made under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.
- (5) It shall be a defence to a charge for an offence under subsection (4) where the defendant proves that the advertisement was distributed -
- (a) without his knowledge; or

- (b) without his knowledge of the order.
- (6) Where an order has been made under this section, the issuer of the securities to which the advertisement relates shall be entitled to appear and be represented before the Commission and the Commission may, where it is satisfied that the order should not continue in force, revoke the order.
- (j) by inserting immediately after section 52, the following new sections -

**52A. Investigatory powers**

- (1) The powers of the Commission under this section may, notwithstanding section 10, be exercised by the Chief Executive Officer of the Commission where the Commission has good reason to suspect that a person has contravened any provision of this Act or of any regulations made under this Act or has committed any breach of trust, defalcation, fraud, misfeasance or offence against any other enactment in relation to dealing or trading in securities or that insider dealing within the meaning of section 46 has taken place.
- (2) The Commission may, by notice in writing, require the person whose affairs are to be investigated ("the person under investigation"), or any other person whom it has reason to believe has relevant information, to -
  - (a) attend before the Commission to answer questions or otherwise furnish information; and
  - (b) produce any documents which appear to the Commission to relate to any matter relevant to the investigation and the Commission may take copies of all books, accounts and documents which are produced for the purposes of the investigation.
- (3) Where book, accounts and documents referred to in subsection (2)(b) are not produced, the Commission may require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.
- (4) A statement by a person in compliance with a requirement imposed by virtue of this section may be used in evidence against him.
- (5) No person, other than a lawyer who may be required to furnish the name and address of his client, shall, under this section, be required to disclose any information or produce any document which he would be entitled to refuse to disclose or produce on grounds of legal professional privilege.
- (6) Any person who, without reasonable excuse, fails to comply with a requirement imposed on him under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.
- (7) A person who, in purported compliance with a requirement under this section -

- (a) makes a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly makes a statement which is false or misleading in a material particular,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

- (8) Where any person who knows or suspects that an investigation by the Commission is being or is likely to be carried out, falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of documents which he knows or suspects are or would be relevant to such an investigation, he shall commit an offence, unless he proves that he had no intention of concealing the facts disclosed by the documents from persons carrying out such an investigation, and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.
- (9) Any person who is convicted on a prosecution instituted as a result of an investigation under this section may, in the same proceedings, be ordered to pay the expenses of the investigation to such extent as may be specified in the order.

#### **52B. Compliance orders**

Where, from any inquiry conducted by the Commission under this Act, it appears to the Commission that there has been a contravention of this Act or of regulations made under this Act, the Commission may apply to the Supreme Court for an order directing or securing compliance with those provisions in such manner as the Supreme Court deems fit.

### **18. The Sugar Industry Efficiency Act 1988 amended**

The Sugar Industry Efficiency Act 1988 is amended in section 5 -

- (a) in subsection (2), by adding immediately after paragraph (c), the following new paragraph, the full stop at the end of paragraph (c) being deleted and replaced by the words “;or”-
  - (d) is in an irrigation area.
- (b) in subsection (4) -
  - (i) by lettering the existing provisions as paragraph (a);
  - (ii) in the new paragraph (a), by deleting the words "any agricultural land to, any non-agricultural use shall apply in writing to the" Minister and replacing them by the words "any agricultural land owned by him to any non-agricultural use shall apply in writing to the Minister, in a form approved by the Minister,";

- (iii) by adding immediately after the new paragraph (a), the following new paragraph-
  - (b) An application under paragraph (a) may be made by the owner of the land jointly with any other person where it is proved to the satisfaction of the Minister that the owner cannot alone comply with all of the undertakings specified in subsection (7)(c) (d) or (f), as the case may be, and that those undertakings will be given and complied with jointly and severally by the owner and that other person.
- (c) in subsection (6), by deleting paragraphs (a), (b), (c) and (d) and replacing them by the following paragraphs –
  - (a) There is established, for the purposes of advising the Minister on an application under subsection (4), a committee to be known as the Land Conversion Committee.
  - (b) The committee shall consist of -
    - (i) a Chairperson who shall be the representative of the Ministry responsible for the subject of agriculture, designated by the Minister;
    - (ii) a representative of the Ministry responsible for the subject of finance, designated by the Minister of Finance; and
    - (iii) not more than 5 other persons appointed by the Minister, being persons who have, in his opinion, adequate knowledge of land, agriculture, irrigation or land planning and development.
  - (c) The committee shall -
    - (i) meet at least once every month;
    - (ii) regulate its meetings and proceedings in such manner as it thinks fit; and
    - (iii) tenders its advice on an application under subsection (4) within 3 months of the effective date of receipt of the application.
  - (d) Four members including the Chairperson shall constitute a quorum of the committee.
- (d) in subsection (7) -
  - (i) by deleting paragraph (c) and replacing it by the following paragraph -
    - (c) where the applicant undertakes-
      - (i) to sell, within a period of one year after the application is granted, such percentage of the total area of agricultural land to be converted, as may be determined by the committee, to

specified workers of the sugar industry at such concessionary or nominal rates, as may be determined by the committee, and ploughs back at least 50 per cent of the proceeds arising from the conversion to sugar production or diversification within sugar; or

- (ii) to use the proceeds arising from the conversion for any expenditures effected in relation to a factory closure -
  - (A) in compliance with the conditions imposed under section 24 of the Cane Planters and Millers Arbitration and Control Board Act; or
  - (B) for the upgrading or modernising the factory or factories receiving canes in the context of such closure; and undertakes in respect of subparagraph (i) or (ii) through cane cultivation or milling, as the case may be, to have a sugar production which is at least equivalent to the production of sugar foregone through the conversion; or

(ii) in paragraph (d) -

- (A) by deleting the words "20 per cent" and replacing them by the words "40 per cent";
- (B) in subparagraph (ii), by deleting the words "specified in paragraph 2 of the Fifth Schedule" and replacing them by the words "to which either paragraphs 3 or 5 or both paragraphs 3 and 5 of the Fifth Schedule apply,";

(iii) by adding immediately after paragraph (c), the following new paragraphs, the full stop at the end of paragraph (e) being deleted and replaced by the words "; or, -

- (f) in respect of land, not being land within an irrigation area, where, subject to subsection (8), the applicant, other than the applicant referred to in paragraph (g), undertakes -
  - (i) to sell to Government at nominal rates, within a period of 6 months after the application is granted, 25 per cent of agricultural land to be converted;
  - (ii) to plough back at least 60 per cent of the proceeds arising from the conversion of which, at least half to sugar production or diversification within sugar in Mauritius in the schemes specified in the Fifth Schedule and the remainder to any other economic activity in Mauritius;
- (g) where the applicant, other than the applicant referred to in paragraph (f), being a planter registered with the Sugar Insurance Fund Board

as at 31 May 1999, undertakes to convert land, not being land within an irrigation area, of an extent not exceeding 0,4221 hectare in not more than one single plot;

- (e) by inserting immediately after subsection (7), the following new subsection (8), the existing subsections (8), (9) and (10) being renumbered (9), (10) and (11) respectively -
  - (8) the total acreage of land to which subsection (7)(1) applies shall not in the aggregate exceed 506.52 hectares.
- (f) in subsection (10) as renumbered by deleting the words "subsection (7)" and replacing them by the words "subsections (7) and (8)";
- (g) in subsection (11) as renumbered -
  - (i) by adding at the end of the definition of "agricultural land", the words "and includes land within an irrigation area".
  - (ii) in the definition of "expenditure", by deleting the words "and contributions to such funds as may be established under section 16 of the Mauritius Sugar Authority Act 1984" and replacing them by the words ", contributions to such funds as may be established under section 16 of the Mauritius Sugar Authority Act 1984 and costs for the upgrading or modernising of a factory or factories receiving canes in the context of a factory closure";
  - (iii) by inserting in their appropriate alphabetical order, the following new definitions-
    - "committee" means the committee established subsection (6);
    - "effective date", in relation to subsection (6)(c)(iii), means the date on which all the information, particulars and documents specified in the form of application are submitted;
    - "land within all irrigation area" means land in an area declared as an irrigation area under section 14 of the Irrigation Authority Act;
- (h) in the Sixth Schedule, in Part IV, by deleting the words "100 million rupees" and replacing them by the words "2 million rupees".

## **19. The Unified Revenue Act 1983 amended**

The Unified Revenue Act 1983 is amended -

- (a) by repealing section 2 and replacing it by the following section -

### **2. Interpretation**

In this Act -

"Authority" means the Revenue Authority established under section 3;

"Board" means the Board set up under section 3;

"Chairperson" means the Chairperson of the Board;

"Commissioner of Inland Revenue" means the Commissioner of Inland Revenue referred to in section 6;

"Comptroller" has the same meaning as in the Customs Act 1988;

"Comptroller of Customs" means the Comptroller;

"Director-General" means the Director-General referred to in section 6;

member" means a member of the Board and includes the Chairperson and the Vice-Chairperson;

"revenue Acts" means the Acts specified in Part II of the First Schedule;

"revenue Commissioners" means the persons specified in Part I of the First Schedule;

"revenue department" means a department administered by a revenue Commissioner and includes the department administered by the Registrar-General;

"Vice-Chairperson" means the Vice-Chairperson of the Board.

- (b) in section 3, by deleting subsections (3) and (4) and replacing them by the following subsections -
- (3) Subject to subsection (4), the Board shall consist of -
    - (a) a Chairperson who shall be a public officer designated by the Minister;
    - (b) the Director-General who shall be the Vice-Chairperson;
    - (c) the Commissioner of Inland Revenue.
    - (d) the Comptroller of Customs; and
    - (e) not more than 3 other public officers designated by the Minister.
  - (4) The Commissioner of Income Tax, the Commissioner for Value Added Tax and the Registrar- General shall, until 30 June 2001 or such other time as may be prescribed, be members of the Board.

- (5) Every member shall be paid such fees as the Minister may, on the advice of the Board, determine.
- (c) in section 5, by deleting subsection (1) and replacing it by the following subsection -
- (1) The Authority shall -
- (a) be responsible for the overall administration of the taxes and duties imposed by the revenue Acts;
  - (b) develop and implement a plan for the full integration of the revenue departments;
  - (c) be responsible for human resource development and training;
  - (d) coordinate and supervise the activities of the revenue departments;
  - (e) take such measures as may be necessary to improve the effectiveness of the revenue departments and maximise revenue collection;
  - (f) determine the steps to be taken to counteract fraud and other forms of fiscal evasion; and
  - (g) take such steps as may be necessary to assist the compounding of offences under the Customs Act 1988, the Excise Act 1994, the Income Tax Act 1995 and the Value Added Tax Act 1998 to be done with the concurrence of the Board.
- (d) by deleting section 6 and replacing it by the following section -
- 6. Director-General and Commissioner of Inland Revenue**
- (1) There shall be, for the purposes of this Act, a Director-General, a Commissioner of Inland Revenue and such other public officers as may be necessary to enable the Director-General to discharge his functions under the Act.
- (2) For the purposes of sections 7A and 8, the Minister may designate such public officers as may be necessary to enable the Director-General to discharge his functions under those sections.
- (3) The Director-General shall be the administrative head of the Authority and shall be responsible for the execution of the decisions made by the Board and for the purposes of discharging the functions of the Authority;
- (4) The public officers designated under subsection (2) shall be under the administrative control of the Director-General.
- (e) in section 7-

- (i) in subsection (1)(b), by deleting the words "Director, Fiscal Investigations, the Director, Administration," and replacing them by the words "Director-General,";
  - (ii) in subsection (2), by deleting the words "The Director, Fiscal Investigations, the Director, Administration," and replacing them by the words "The Director-General,";
- (f) in section 7A -
- (i) in subsection (1) -
    - (A) in paragraph (b), by deleting the words "or the Director, Fiscal Investigations";
    - (B) by deleting the definitions of "business" and "trade" and "records" and by inserting in their appropriate alphabetical order the following definitions -

"business" -

- (a) has the same meaning as in the Income Tax Act 1995 and in the Value Added Tax Act 1998; but
- (b) does not include any business regulated by the Banking Act 1988, the Bank of Mauritius Act or the Foreign Exchange Dealers Act 1995, or the business of providing financial services;

"records" -

- (a) has the same meaning as in the Income Tax Act 1995 and in the Value Added Tax Act 1998; and
- (b) includes any record or document required to be kept under file Customs Act 1988 and the Excise Act 1994;

"trade" has the same meaning as in the Income Tax Act 1995;

- (ii) in subsection (4), by inserting immediately after the words "under the hand of", the words "the Director- General,";
- (g) in section 8 -
- (i) in its heading, by deleting the words "Director, Fiscal Investigations" and replacing them by the words "Fiscal Investigations";
  - (ii) by deleting subsections (1), (2) and (3), the existing

subsections (4), (5), (6), (7) and (8) being renumbered (1), (2), (3), (4), and (5) respectively;

- (iii) in subsection (1) as renumbered, by deleting the words "The Director, Fiscal Investigations with the approval of the Director-General" and replacing them by the words "The Director-General";
  - (iv) in subsection (2) as renumbered, by deleting the words "subsection (4), the Director Fiscal Investigations with the approval of" and replacing them by the words "subsection (1),";
  - (v) in subsection (3) as renumbered -
    - (A) by deleting the words "the Director, Fiscal Investigations" wherever they appear and replacing them by the words "the Director-General";
    - (B) in paragraph (a), by deleting the words "designated under subsection (2)" and replacing them by the words "designated under section 6(2)";
  - (vi) in subsection (4) as renumbered, by deleting the words "subsection 6)" and replacing them by the words "subsection (3)";
  - (vii) in subsection (5) as renumbered, by deleting the words "Director, Fiscal Investigations" wherever they appear and replacing them by the words "Director-General";
- (h) by adding immediately after section 3, the following new sections -

**8A. Confidentiality**

- (1) Subject to subsection (2), every member of the Board, the Director-General, the Commissioner of Inland Revenue and any officer designated under the Act shall maintain during and after his period of service in the Authority, the confidentiality of any matter relating to this Act or any of the revenue Acts which comes to the knowledge of that person.
- (2) Except for the purposes of administering this Act or any of the revenue Acts, or where he is authorised to do so by the Board, no person referred to in subsection (1) shall communicate to any other person any matter relating to this Act or any of the revenue Acts.
- (3) Any person who, without lawful excuse, contravenes this section shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 2 years.

**8B. Payment of tax under PAYE and VAT**

- (1) Notwithstanding sections 100 and 101 of the Income Tax Act 1995, regulation 22(5) and (6) of the Income Tax Regulations 1996 and sections

22, 26 and 27 of the Value Added Tax Act 1998, but subject to the other provisions of this section, a person who is an employer for the purposes of PAYE under the Income Tax Act 1995 and who is also a registered person under the Value Added Tax Act 1998 may, submit to the Commissioner of Inland Revenue a single return for both PAYE and VAT, in such form as may be approved by the Commissioner of Inland Revenue, within the time specified in section 100(i) of the Income Tax Act 1995 and section 22(i) of the Value Added Tax Act 1998.

- (2) Where a person submits a single return under subsection (1), he shall, at the time he submits the return, instruct his bankers to credit, on the last day on which the tax under PAYE and the VAT is payable, the bank account of the Commissioner of Inland Revenue with the total amount of tax paid.
- (3) Unless otherwise authorised by the Commissioner of Inland Revenue, a person who submits a return and pay tax in accordance with this section shall not submit a return and pay tax otherwise than under this section.
- (4) Where in respect of a period, a return referred to in this section is submitted to the Commissioner of Inland Revenue or a payment is effected under this section, the return or payment shall, for that period be deemed to have been submitted or paid to the Commissioner of Income Tax or the, Commissioner for Value Added Tax, as the case may be.
- (5) The Commissioner of Inland Revenue may direct that every document required to be submitted by an employer under regulation 22(5) and (6) of the Income Tax Regulations 1996 for the purposes of PAYE, or every return under section 22(l) of the Value Added Tax Act 1998, together with the remittance of the amount of tax payable shall, as from a date to be notified in writing by him, be submitted and paid to him in accordance with the provisions of this section.

#### **8C. Powers of the Commissioner of Inland Revenue**

- (1) Without prejudice to sections 7A and 8, the powers conferred on the Commissioner of Income Tax under sections 123, 124, 125 and 126 of the Income Tax Act 1995 or conferred on the Commissioner for Value Added Tax under sections 28, 29, 31 and 32 of the Value Added Tax Act 1998 may be exercised by the Commissioner of Inland Revenue as if any reference in those sections to the Commissioner is a reference to the Commissioner of Inland Revenue.
- (2) Where the Commissioner of Inland Revenue exercises his powers as provided in subsection (1), the persons concerned shall comply with the provisions of the relevant sections referred to in subsection (1).
- (3) Where in respect of a period, a person is required to comply with the provisions of this section, that person shall not, except for the purposes of section 127(2) of the Income Tax Act 1995 or section 33(2) of the Value Added Tax Act 1998, be required to comply with those provisions by the

Commissioner of Income Tax or the Commissioner for Value Added Tax, as the case may be, in respect of that period.

- (4) Notwithstanding the other provisions of this section, the Income Tax Act 1995, the Value Added Tax Act 1998, and any regulations made thereunder, the Commissioner of Inland Revenue may authorise -
- (a) a return, document and payment referred to in this section; or
  - (b) any act or thing which is required to be done in relation to paragraph (a),

to be made, submitted or done electronically through such computer system as may be approved by him.

- (5) With effect from such date as may be notified in the Gazette, the Commissioner of Inland Revenue may direct that any matter, act or thing referred to in subsection (4) shall be made, submitted or done electronically or otherwise.

## **20. The Value Added Tax Act 1998 amended**

The Value Added Tax Act 1998 is amended -

- (a) in section 10, by deleting the words "VAT shall be charged" and replacing them by the words "Subject to section 51, VAT shall be charged";
- (b) in section 12, by adding immediately after subsection (5), the following new subsection -
  - (6) Where a registered person makes a supply of any of the goods specified in the Seventh Schedule and the supply is made in such quantities as are appropriate to sales by retail, VAT shall be calculated on such value of the supply as excludes the retail margin.
- (c) in section 15, by inserting immediately after subsection (1), the following new subsection (2), the existing subsections (2) and (3) being renumbered (3) and (4) respectively -
  - (2) Where the turnover of a person is made up exclusively of supplies which are zero-rated, that person shall not be bound to apply for registration under this section.
- (d) in section 21 -
  - (i) In subsection (2) -
    - (A) by deleting paragraph (a) and replacing it by the following paragraph -

- (a) goods or services used to make an exempt supply;
- (B) in paragraph (c), by deleting the words "except gas oils and fuel oils for use in stationary engines; and" and replacing them by the words "except those for resale and except gas oils and fuel oils for use in stationary engines and boilers; and";
- (ii) by deleting subsection (3) and replacing it by the following subsection -
  - (3)(a) Where goods or services are used to make a taxable supply, the credit in respect of those goods or services shall be allowed in full;
  - (b) Subject to paragraph (c), where goods or services are used to make both taxable supplies and exempt supplies, the credit in respect of those goods or services shall be allowed in the proportion of the value of taxable supplies to total turnover on the basis of -
    - (i) in the case of a new business, the estimated figures for the current accounting year; or
    - (ii) in any other case, the actual figures for the previous accounting year.
  - (c) The amount of input tax taken in accordance with paragraph (b)(i) shall be adjusted by the person at the end of his accounting year and an adjustment shall be made by him in his return for the taxable period immediately following the end of that accounting year.
- (e) in section 24 -
  - (i) by deleting subsection (2) and replacing it by the following subsection -
    - (2) Subject to subsections (3) and (4), where, in respect of a taxable period, a return shows an excess amount, the registered person may, in that return, make a claim to the Commissioner for a repayment, in addition to any amount repayable under subsection (1), of that part of the excess amount which corresponds to the proportion of the value of zero-rated supplies to the total value of taxable supplies in that taxable period, provided that the amount of tax claimed has duly been paid by that person.
  - (ii) in subsection (4), in paragraph (a) -

- (A) by deleting the words "mainly engaged in the exportation of goods or services, " and replacing them by the words "mainly engaged in making zero-rated supplies,";
  - (B) by adding at the end of the paragraph, the words ", provided that the amount claimed has duly been paid by that person";
- (f) by inserting immediately after Part IX, the following new Part -

## **PART IXA - COMMISSIONER OF INLAND REVENUE**

### **48A. Submission of return and payment of tax**

- (1) Notwithstanding sections 22, 26 and 27, where in respect of a taxable period, a person submits a single return for both VAT and PAYE to the Commissioner of Inland Revenue under section 8B of the Unified Revenue Act 1983 and pays tax, if any, in accordance with that section, he shall be deemed to have submitted and paid tax, if any, to the Commissioner under this Act for that period.
- (2) For the purposes of this section, "PAYE" has the same meaning as in the Income Tax Act 1995.

### **48B. Power to require information and production of books and records**

Without prejudice to section 33(2) of this Act and to 7A and 8 of the Unified Revenue Act 1983, where, in respect of a period, the Commissioner of Inland Revenue, is satisfied that a person has complied with the requirements of the provisions of section 8C of the Unified Revenue Act 1983. that person shall be deemed to have complied with the requirements under section 28, 29, 31 or 32, as the case may be, for that period.

- (g) by deleting section 51 and replacing it by the following section -

### **51. VAT relating to an export processing zone**

- (1) Subject to the other provision of this section, no VAT shall be payable on any goods -
  - (a) imported into an export processing zone; or
  - (b) removed from an export processing zone by an export enterprise to another export enterprise as if the goods so removed were goods imported by the other export enterprise,

where the export enterprise having imported the goods referred to in paragraph (a) or (b), as the case may be, has not, at any time during the 3 preceding years, removed any goods, other than those specified in the First Schedule, for sale on the local market and has given a certificate to that effect to the Commissioner.

- (2) Notwithstanding any customs laws, VAT shall be payable -
- (a) as provided in subsection (3) on any goods, other than those specified in the First Schedule, imported into an export processing zone or received by an export enterprise from another export enterprise in the manner specified in subsection (1), where the export enterprise has, at any time during the 3 preceding years, removed goods, other than those specified in the First Schedule, for sale on the local market;
  - (b) on any taxable supply made to an export enterprise;
  - (c) on any taxable supply made by an export enterprise to another export enterprise in respect of the treatment or processing of goods received from the other enterprise;  
and
  - (d) on any goods, other than those specified in the First Schedule, which are removed from an export processing zone to any other place in Mauritius as if the goods removed were imported goods.
- (3) Notwithstanding section 10, VAT under subsection (2)(a) shall be -
- (a) in the case of goods imported by an export enterprise registered under section 15 or 16, payable in an amount equal to 5 per cent of the amount of VAT chargeable on those goods;
  - (b) in the case of goods imported by an export enterprise which is not registered as a registered person under the Act, charged at the rate specified in the Fourth Schedule.
- (h) in section 66, by inserting immediately after the word "goods", the words "or Services";
- (i) by inserting immediately after section 69, the following new section -

**69A. Rulings**

- (1) Any person, who in the course or in furtherance of his business, makes taxable supplies, may apply to the Commissioner for a ruling as to the application of this Act to any of the supplies made to him or made by him.
- (2) An application under this section shall be in writing and shall -
  - (a) include full details of the transaction relating to the supply together with all documents relevant to the transaction;
  - (b) specify precisely the question as to which the ruling is required;
  - (c) give a full statement setting out the opinion of that person as to the application of this Act to that supply; and

- (d) be accompanied by such fee as may be prescribed.
- (3) The Commissioner shall, within 30 days of the receipt of an application under this section, give a ruling on the question to the applicant.
- (4) Subject to subsection (5), a ruling under this section shall be binding upon the Commissioner.
- (5) Where there is any material difference between the actual facts relating to the transaction and the details contained in the application, the ruling shall not be binding upon the Commissioner.
- (6) A ruling under this section shall be published by the Commissioner in such manner as he thinks fit except that the identity of the person to whom the ruling relates shall not be indicated in the publication.
- (7) Subject to subsection (8), any person may rely upon a ruling published under subsection (6) as a statement binding on the Commissioner with respect to the application of this Act to the facts set out in that ruling.
- (8) The Commissioner may publish a notice in the Gazette to the effect that a ruling which he has previously published shall cease to be binding with effect from a date which shall not be earlier than the date of the notice.
- (j) by deleting the Fifth Schedule and replacing it by the Fifth Schedule to this Act;
- (k) by deleting the Seventh Schedule and replacing it by the Sixth Schedule to this Act;
- (l) by deleting the Eighth Schedule-; and
- (m) in the Ninth Schedule, by deleting item 9 and replacing it by the following item -
  - 9. Diplomatic missions and agents Rents, electricity, water, telephone, and other services

**21. Deleted [\[Act No. 25 of 2000\]](#)**

**22. Validation of resolution**

The financial resolution adopted by the National Assembly on 14 June 1999 is validated.

**23. Repeal**

The following Acts are repealed -

- (a) The Air Transport (Passenger Service Charge) Act; and

(b) The Licences Act 1992.

## 24. Commencement

- (1) Section 2, 7, 8, 10(h), (i), (j), (p), (g), and (u)(ii) and (iii), 11(g) and (k), 14, 19(a), (b), (c), (d), (e), (f) and (g) shall be deemed to have come into operation on 1 Juin 1999.
- (2) Sections 4(f), (g), (h), (i) and jj), 5(a), (d) and (a) and 23(b) shall come into operation on 1 January 2000.
- (3) Sections 5(b), 6 and 22 shall be deemed to have come into operation on 14 June 1999.
- (4) Section 9 shall come into operation on 16 August 1999.
- (5) Section 10(a), (b), (c)(i), (e), (f), (g), (k), (l), (m), (n), (o), (u)(i), (v), (w) and (x) shall be deemed to have come into operation on 1 July 1999 in respect of the income year commencing on 1 July 1999 and in respect of every subsequent income year.
- (6) Sections 4(a), (b), (c) and (d), 10(s), 19(h) and 20(f) shall come into operation on a day to be fixed by Proclamation and different days may be fixed for the coming into operation of those different sections.
- (7) Sections 11(a), (b), (c), (d), (e), (f), (h), (i) and (j) and 16 shall come into operation on 1 August 1999,
- (8) Section 12 shall have been deemed to have come into operation on 1 July 1998.
- (9) Section 13 shall be deemed to have come into operation on 21 July 1998.
- (10) Section 15 shall be deemed to have come into operation on 30 March 1999.
- (11) Section 20(a),(b),(c),(g),(h),(k)and(m) shall be deemed to have come into operation on 7 September 1998.
- (12) Section 20(c),(e),(i),(j)and(l) shall be deemed to have come into operation on 1 September 1999.
- (13) Section 23(a) shall be deemed to have come into operation on 1 April 1999.

Passed by the National Assembly on the twentieth day of July one thousand nine hundred and ninety-nine.

ANDRE POMPON  
Clerk of the National Assembly

**FIRST SCHEDULE**

(section 4(j))

**EIGHTH SCHEDULE**

(section 340)

**PART I**

**Processing fee and registration fee**

|   |  | Rs         | cs        |
|---|--|------------|-----------|
| 1 | For registration of a foreign company, a registration fee  |            | 20,000.00 |
| 2 | For incorporation and registration of a company limited by guarantee or a company with limited liability but without the word "Limited" in its name- |            |           |
|   | (a) a processing fee .....   | 2,000.00   |           |
|   | (b) a registration fee .....   | 2,000.00   |           |
| 3 | For incorporation and registration of any other company -  |            |           |
|   | (a) a processing fee .....   | 2,000.00   |           |
|   | (b) a registration fee corresponding to the amount of its issued share capital-  |            |           |
|   | (i) not exceeding Rs250,000 .....  | 2,000.00   |           |
|   | (ii) exceeding Rs250,000 but not exceeding Rs500,000 .....   | 6,000.00   |           |
|   | (iii) exceeding Rs500,000 but not exceeding Rs1,000,000 .....  | 9,000.00   |           |
|   | (iv) exceeding Rs1,000,000 but not exceeding Rs3,000,000 .....   | 12,000.00  |           |
|   | (v) exceeding Rs3,000,000 but not exceeding Rs10,000,000 .....   | 15,000.00  |           |
|   | (vi) exceeding Rs10,000,000 but not exceeding Rs20,000,000 .....   | 20,000.00  |           |
|   | (vii) exceeding Rs20,000,000 but not exceeding Rs50,000,000 .....  | 30,000.00  |           |
|   | (viii) exceeding Rs50,000,000 but not exceeding Rs100,000,000 .....  | 40,000.00  |           |
|   | (ix) exceeding Rs100,000,000 but not exceeding Rs200,000,000 .....   | 60,000.00  |           |
|   | (x) exceeding Rs200,000,000 but not exceeding Rs500,000,000 .....  | 70,000.00  |           |
|   | (xi) exceeding Rs500,000,000 .....   | 100,000.00 |           |
| 3 | For registration of a commercial partnership (societe commerciale including societe commerciale de fait), registration fee .....                     | 6,000.00   |           |

**PART IA**

**Other fees**

|   |                                    | Rs     | cs |
|---|------------------------------------|--------|----|
| 1 | For lodging an annual return ..... | 500.00 |    |

|   |   |        |          |
|---|---|--------|----------|
| 2 | For lodging any document required to be lodged under the Act .....  | 200.00 |          |
| 4 | For any certificate issued by the Registrar or for certifying any copy or extract of any document in the custody of the Registrar |        | 100.00   |
| 4 | For lodging any other document .....  | 50.00  |          |
| 5 | For search of informttion in respect of every company or commercial partnership .....   | 50.00  |          |
| 5 | For a copy or extract of any document in the custody of the Registrar .....   | 20.00  |          |
|   |   |        | per page |

**PART II  
Penalty fee**

|   |  |   |                              |
|---|--|---|------------------------------|
| 1 | For lodging an annual return after prescribed or part of the month until time.limit. return is lodged. | 1,000 rupees per month                          | the expiration of the annual |
| 2 | For lodging any other document the part of the month until the prescribed time limit. is lodged.       | 100 rupees per month or after the expiration of | document                     |

**SECOND SCHEDULE  
(section 6(b))**

**PART A**

**FIRST SCHEDULE  
(sections 2 and 3)**

For the purposes of this Schedule -

- (1) Any goods specified in column 2 shall mean the goods which fall under the corresponding heading number and H.S. code specified in column 1.
- (2) The heading numbers and the H.S. codes specified in column 1 refer to the heading numbers and, where applicable, to the H.S. codes of Part I of the First Schedule to the Customs Tariff Act.
- (3) The value at importation refined to in column 4 of Part I shall mean the value of the goods as determined in accordance with the Customs Act 1998.

- (4)(a) Any goods falling under heading numbers 87.03 and 87.04 in Part I and imported from a territory other than a territory specified in the Second Schedule to the Customs Tariff Act shall be chargeable, in addition to the rate of excise duty as specified in column 5, to an additional rate of excise duty of 40 per cent on the value of the goods as determined in accordance with the Customs Act 1988.
- (b) Where a concession in respect of customs duty is granted on motor cars under items A1, A19 and A34 respectively of the First Schedule to the Customs Tariff Act, that concession shall also apply to the excise duty chargeable on those motor cars.
- (c) Notwithstanding paragraphs 4(a) and 4(b), excise duty shall not apply to "Jeep-type" motor vehicles and or "Jeep type" passenger motor cars falling under Heading No. 87.03 or 87.04 and items A 2o, and A 30 of the First Schedule to the Customs Tariff Act respectively.
- (d) Notwithstanding paragraphs 4(a), 4(b) and 4(c), an excise duty of 15% shall apply to motor cars falling under item E 42 of the First Schedule to the Customs Tariff Act.
- (5)(a) Where it is specified in Part I that the taxable base is "ad valorem", the taxable base shall be the price at which the goods are sold or offered for sale by a manufacturer at the time the entry for the removal of the goods is approved under section 4(2) of the Act exclusive of -
- (i) the excise duty payable on those goods; and
  - (ii) any customs duty and excise duty paid or payable on the raw materials used as input in their manufacture.
- (b) For the purposes of determining the price referred to in paragraph (a), it shall be assumed -
- (i) that the transaction is at arm's length;
  - (ii) that the price is the sole consideration for the sale of the goods; and
  - (iii) that no discount, rebate or allowance is granted on the goods.
- (6) Where it is specified in column 5 of Part II that the date payable is ".As specified in paragraph (6)", the date payable shall be -
- (a) in respect of removals for each of the months July to May, not later than 7 days after the end of the month; and
  - (b) in respect of removals for the month of June, not later than the last day of that month.

(b) in respect of removals for the month of June, not later than the last day of that month.

**PART I – EXCISABLE GOODS IMPORTED INTO MAURITIUS**

| <b>Column 1<br/>5</b>   | <b>Column 2<br/>Column 6</b>   | <b>Column 3</b>           | <b>Column 4</b>        | <b>Column 5</b>   |
|-------------------------|--|---------------------------|------------------------|---|
| Heading H S Code<br>No. | Excisable goods<br>Date<br>Unit  | Statistical<br>base       | Taxable<br>excise duty | Rate of<br>payable  |
| 27.10                   | Petroleum oils<br>And oils obtained<br>From bituminous<br>Minerals, other<br>than crude; pre-<br>parations not else-<br>where specified or<br>included, containing<br>by weight 70% or more<br>of petroleum oils or<br>of oils obtained from<br>bituminous minerals,<br>these oils being the<br>basic constituents<br>of the preparations.<br><br>... Motor spirit,<br>including aviation<br>spirit. |                           |                        |   |
| 2710.0011               | ... Aviation spirit  | L Value at<br>importation | 120%                   | At the time<br>the entry for<br>the goods is<br>validated in<br>accordance<br>with the<br>Customs Act<br>1988 |
| 2710.0019               | ... Other  | L -                       | 120%                   | -   |
| 2710.002                | ... Spirit type jet<br>fuel  | L -                       | 120%                   | -   |
|                         | ... Other light oils and<br>preparations.  |                           |                        |   |
| 2710.0039               | ...Other   | L                         | 120%                   | -   |

|                  |  |   |                      |     |        |  |
|------------------|--|---|----------------------|-----|--------|--|
| 87.03            | <p>Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No. 87.02); including station wagons and racing cars.</p> <p>... Other vehicles, with Spark-ignition internal Combustion Reciprocating piston engine:</p> <p>... of a cylinder capacity not exceeding 1,000 cc</p> |   |                      |     |        |  |
| 8703.219<br>time | <p>...Other</p> <p>... of a cylinder capacity not exceeding 1,000 cc but not exceeding 1,500 cc</p> <p>... Other</p>   | U | Value at importation | 17% | At the | <p>the entry for the goods is validated in accordance with the Customs Act 1988.</p> |
| 8703.2291        | <p>... of a cylinder capacity not exceeding 1,250 cc</p>   | U | -                    | 17% | -      |  |
| 8703.2292        | <p>...of a cylinder capacity exceeding 1,250 cc but not exceeding 1,400 cc</p>   | U | -                    | 37% | -      |  |
| 8703.2299        | <p>...Other</p> <p>...Other</p> <p>... of a cylinder capacity not exceeding 1,500 cc but not exceeding 3,000cc</p>   | U | -                    | 37% | -      |  |

|           |  |   |                      |      |  |
|-----------|--|---|----------------------|------|--|
|           | ...Other   |   |                      |      |  |
| 8703.2391 | ... of a cylinder capacity not exceeding 2,000 cc  | U | Value at importation | 77%  | At the time the entry for the goods is validated in accordance with the Customs Act 1988 |
| 8703.2399 | ...Other   | U | -                    | 157% | -  |
|           | ... Of a cylinder capacity exceeding 3,000 cc  |   |                      |      |  |
| 8703.249  | ...Other   | U | -                    | 157% | -  |
|           | ...Other vehicles, with compression-ignition internal combustion piston engine (diesel or semi-diesel) |   |                      |      |  |
|           | ...Of a cylinder capacity not exceeding 1,500 cc   |   |                      |      |  |
|           | ...Other   |   |                      |      |  |
| 8703.3191 | ... Of a cylinder capacity not exceeding 1,400 cc  | U | -                    | 17%  | -  |
| 8703.3199 | ...Other   | U | -                    | 17%  | -  |
|           | ... of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc                               |   |                      |      |  |
|           | ...Other   |   |                      |      |  |
| 8703.3291 | ...Of a cylinder capacity entry not exceeding 2000 cc  | U | Value at importation | 37%  | At the time the for the goods is validated in accord-                                    |
|           |  |   |                      |      | ance with the  |
|           |  |   |                      |      | Customs Act 1988   |
| 8703.3299 | ...Other   | U | -                    | 77%  | -  |
|           | ... of a cylinder capacity exceeding 2,500   | U | -                    |      |  |
| 8703.332  | ... of a cylinder capacity not exceeding 3,000 cc  |   |                      | 77%  |  |

|           |   |   |                                |      |   |
|-----------|---|---|--------------------------------|------|---|
| 8703.339  | ...Other  | U | -                              | 157% | -   |
| 87.04     | Motor vehicles for the Transport of goods.  |   |                                |      |   |
|           | ...Other, with compression-ignition internal combustion piston engine (diesel or semi-diesel) |   |                                |      |   |
|           | ...g.v.w. not exceeding 5 tonnes  |   |                                |      |   |
|           | ...Other  |   |                                |      |   |
| 87.4.2191 | ..Of a cylinder capacity not exceeding 1,500 cc   | U | -                              | 17%  | -   |
| 8704.2192 | ...Of a cylinder capacity entry not exceeding 1,500cc exceeding 2000cc                        | U | Value at importation           | 37%  | At the time the for the goods is validated in accord- |
|           |   |   | ance with the Customs Act 1988 |      |   |
| 8704.2193 | ... of a cylinder capacity exceeding 2,000 cc but not 3,000 cc                                | U | -                              | 77%  |   |
| 8704.2199 | ... Other   | U | -                              | 157% |   |
|           | ... Other with spark ignition internal combustion piston engine                               |   |                                |      |   |
|           | ... g.v.w not exceeding 5 tonnes  |   |                                |      |   |
|           | ...Other  |   |                                |      |   |
| 8704.3191 | ... of a cylinder capacity not exceeding 1,250 cc   | U | -                              | 17%  | -   |
| 8704.3192 | ...Of a cylinder  | U | -                              | 37%  | -   |

capacity exceeding 1,250  
but not exceeding 1,500 cc

|           |   |   |   |      |   |
|-----------|---|---|---|------|---|
| 8704.3193 | ... Of a cylinder<br>capacity exceeding 1,500<br>cc but not exceeding<br>2,000 cc | U | - | 77%  | - |
| 8704.3199 | ...Other  | U | - | 157% | - |

## PART II – EXCISABLE GOODS MANUFACTURED IN MAURITIUS

| Column 1    | Column 2 | Column 3                     | Column 4  | Column 5        |              |
|-------------|----------|------------------------------|---|-----------------|--------------|
| Heading No. | H S Code | Excisable goods base         | Taxable excise duty   | Rate of payable | Date         |
| in          | 2203.001 | ...Beer                      | Litre   | Rs 8.22 per     | As specified |
|             |          |                              | litre   | paragraph (6)   |              |
|             | 2203.002 | ...Stout                     | Litre<br>litre  | Rs 8.22 per     |              |
|             | 2203.003 | ...Shandy                    | Litre<br>litre  | Rs6.85 per      | ...          |
|             | 2204.10  | ...Sparkling wine<br>valorem | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs3.00 per      |              |
|             | 2204.291 | ...Wine<br>valorem           | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs3.00 per      | -            |
|             | 2204.292 | ...Fortified wine<br>valorem | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs3.00 per      | -            |
|             | 2206.001 | ...Country liquor<br>valorem | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is               | Rs 3.00 per     |              |

the higher

|           |                                      |   |                                    |                    |
|-----------|--------------------------------------|---|------------------------------------|--------------------|
| 2206.002  | ...Fortified country<br>valorem      | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs3.00 per                         |                    |
| 2208.2021 | ...Brandy or matured<br>brandy       | Litre   | Rs 2.10 per<br>% vol per litre     |                    |
| 2208.2022 | ...Blended brandy                    | Litre<br>litre  | Rs2.10 per<br>% vol per<br>(6)     | As<br>in paragraph |
| 2208.2029 | ...Other                             | Litre   | Rs2.10 per<br>% vol per<br>litre   | -                  |
| 2208.301  | ...Whisky or matured<br>whisky       | Litre   | Rs3.60 per<br>% vol per<br>litre   | -                  |
| 2208.302  | ...Blended whisky                    | Litre   | Rs3.60 per<br>% vol per<br>litre   |                    |
| 2208.309  | ...Other                             | Litre   | Rs3.60 per<br>% vol per<br>litre   |                    |
| 2208.401  | ...Rum or matured<br>rum             | Litre   | 94 cents per<br>% vol per litre    |                    |
| 2208.402  | ...Local rum or<br>matured local rum | Litre   | 94 cents per<br>% vol per<br>litre |                    |
| 2208.409  | ...Other                             | Litre   | Rs1.32 per<br>% vol per<br>litre   |                    |
| 2208.501  | ...Gin                               | Litre   | Rs2.10 per<br>% vol per<br>litre   |                    |
| 2208.502  | ...Blended gin                       | Litre   | Rs2.10 per<br>% vol per<br>Litre   |                    |

|           |  |       |                                    |             |
|-----------|--|-------|------------------------------------|-------------|
| 2208.503  | ...Flavoured gin                             |       | Litre<br>% vol per<br>Litre        | Rs2.10 per  |
| 2208.509  | ...Other                                     |       | Litre<br>% vol per<br>Litre        | Rs2.10 per  |
| 2208.60   | ...Vodka                                     |       | Litre<br>% vol per<br>Litre        | Rs2.10 per  |
| 2208.701  | ...Liqueurs                                  | Litre | Rs1.32 per<br>% vol per<br>Litre   |             |
| 2208.702  | ...Cordials                                  | Litre | Rs1.32 per<br>% vol per<br>Litre   |             |
| 2208.901  | ...Cane spirit                               | Litre | Rs2.10 per<br>% vol per<br>Litre   |             |
| 2208.902  | ...Aperitif                                  | Litre | Rs 1.32 per<br>% per litre         |             |
| 2208.903  | ...Compounded spirits<br>made from local rum | Litre | 94 cents per<br>% vol per<br>litre |             |
| 2208.904  | ...Compounded spirits<br>made from rum       | Litre | 94 cents per<br>% vol per<br>litre |             |
| 2208.905  | ...Admixed spirit                            |       | Litre<br>litre                     | Rs 2.10 per |
| 2208.9091 | ...Alcoholic beverages                       | Litre | Rs 1.32 per<br>% vol per<br>litre  |             |
| 2208.9092 | ...Liquor                                    | Litre | Rs1.32<br>% vol per<br>litre       |             |
| 2208.9099 | ...Other                                     | Litre | Rs1.32 per<br>% vol per<br>litre   |             |

|           |   |            |      |   |  |
|-----------|---|------------|------|---|--|
| 24.02     | Cigars, cheroots,<br>cigarillos and<br>cigarettes, of<br>tobacco substi-<br>tutes   |            |      |   |  |
|           | ...Cigarettes contain-<br>ing tobacco   |            |      |   |  |
| 2402.201  | ...State Express brand  | ad valorem | 200% | -   |  |
| 2402.209  | ...Other brand  | ad valorem | 180% | -   |  |
|           | Other   |            |      |   |  |
| 2402.901  | ...Cigarettes, State<br>Express brand   | ad valorem | 200% | -   |  |
| 2402.902  | ...Cigarettes, other  | ad valorem | 180% | -   |  |
| 87.3      | Motor cars and other<br>Vehicles principally<br>Designed for the trans-<br>port of persons (other<br>than those of heading<br>No. 87.02), including<br>station wagons and<br>racing cars. |            |      |   |  |
|           | ...Other vehicles, with<br>spark ignition internal<br>combustion reciprocating<br>piston engine.  |            |      |   |  |
|           | ...Of a cylinder capacity<br>not exceeding 1,000 cc.  |            |      |   |  |
| 8703.219  | ..Other   | ad valorem | 17%  | At the time of<br>removal from<br>factory |  |
|           | ...Of a cylinder capacity<br>exceeding 1,000 cc but<br>not exceeding 1,500 cc   |            |      |   |  |
|           | ...Other  |            |      |   |  |
| 8703.2291 | ...Of a cylinder capacity<br>not exceeding 1,250 cc   | ad valorem | 17%  | -   |  |
| 8703.2292 | ...Of a cylinder capacity<br>exceeding 1,250 cc but   | ad valorem | 37%  | -   |  |

|           |  |            |       |                                 |
|-----------|--|------------|-------|---------------------------------|
|           | not exceeding 1,400 cc   |            |       |                                 |
| 8703.2299 | ...Other   | ad valorem | 37%   | -                               |
|           | ...Of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc                                |            |       |                                 |
|           | ...Other   |            |       |                                 |
| 8703.2391 | ...Of a cylinder capacity not exceeding 2,000cc  | ad valorem | 77%   | -                               |
| 8703.2399 | ...Other   | ad valorem | 157%  | -                               |
|           | ...Of a cylinder capacity exceeding 3,000 cc   | ad valorem |       |                                 |
| 8703.249  | ...Other   | ad valorem | 157 % | -                               |
|           | ...Other vehicles with compression-ignition internal combustion piston engine (diesel or semi-diesel): |            |       |                                 |
|           | ...Of a cylinder capacity not exceeding 1,500 c.c.   |            |       |                                 |
|           | ...Other   |            |       |                                 |
| 8703.3191 | ...Of a cylinder capacity not exceeding 1,400 cc   | ad valorem | 17%   | At time of removal from factory |
| 8703.3199 | ...Other   | ad valorem | 17%   | -                               |
|           | ...Of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc                                |            |       |                                 |
|           | ...Other   |            |       |                                 |
| 8703.3291 | ...Of a cylinder capacity not exceeding 2,000 cc   | ad valorem | 37%   | At time of removal from factory |
| 8703.3299 | ...Other   | ad valorem | 77%   | -                               |
|           | ...Of a cylinder capacity  |            |       |                                 |

|           |  |            |      |   |  |
|-----------|--|------------|------|---|--|
|           | exceeding 2,500 cc   |            |      |   |  |
| 8703.332  | ...Of a cylinder, capacity not exceeding 3,000 cc                                      | ad valorem | 77%  | - |  |
| 8703.339  | ...Other   | ad valorem | 157% |   |  |
| 87.4      | Motor vehicles for the transport of goods  |            |      |   |  |
|           | ...Other with compression-ignition internal combustion engine (diesel or semi-diesel). |            |      |   |  |
|           | ...g.v.w. not exceeding 5 tonnes   |            |      |   |  |
|           | ...Other   |            |      |   |  |
| 8704.2191 | ...Of a cylinder capacity not exceeding 1,500 cc                                       | ad valorem | 17%  | - |  |
| 8704.2192 | ...Of a cylinder capacity exceeding 1,500 cc but not exceeding 2,000cc                 | ad valorem | 37%  | - |  |
| 8704.2193 | ...Of a cylinder capacity exceeding 2,000 cc but not exceeding 3,000cc                 | ad valorem | 77%  | - |  |
| 8704.2199 | ...Other   | ad valorem | 157% | - |  |
|           | ...g.v.w. exceeding 5 tonnes but not exceeding 20 tonnes                               |            |      |   |  |
|           | ...Other with spark-ignition internal combustion piston engine.                        |            |      |   |  |
|           | g.v.w. not exceeding 5 tonnes  |            |      |   |  |
|           | ...Other   |            |      |   |  |
| 8704.3191 | ...Of a cylinder capacity not exceeding 1,250cc  | ad valorem | 17%  | - |  |
| 8704.3192 | ...Of a cylinder capacity  | ad valorem | 37%  | - |  |

|           |   |            |        |
|-----------|---|------------|--------|
|           | exceeding 1,250 cc but<br>not exceeding 1,500 cc                              |            |        |
| 8704.3193 | ...Of a cylinder capacity<br>exceeding 1,500 cc but<br>not exceeding 2,000 cc | ad valorem | 77%    |
| 8704.3199 | ...Other  | ad valorem | 157% - |

**PART B**  
**FIRST SCHEDULE**  
**(Sections 2 and 3)**

For the purposes of this Schedule –

- (1) Any goods specified in column 2 shall mean the goods which fall under the corresponding heading number and H.S. code specified in column 1.
  - (2) The heading numbers and the H.S. codes specified in column 1 refer to the heading numbers and, where applicable, to the H.S. codes of Part I of the First Schedule to the Customs Tariff Act.
  - (3) The value at importation referred to in column of Part I and Part IA shall mean the value of the goods as determined in accordance with the Customs Act 1988.
  - (4) Any goods falling under heading numbers 87.03 and 87.04 in Part I and imported from a territory other than a territory specified in the Second Schedule to the Customs Tariff Act shall be chargeable, in addition to the rate of excise duty of 60 per cent on the value of the goods as determined in accordance with the Customs Act 1988.
- (a) Where it is specified in Part II that the taxable base is “ad valorem”, the taxable base shall be the price at which the goods are sold or offered for sale by a manufacturer at the time the entry for the removal of the goods is approved under section 4(32) of the Act exclusive of –
- (i) the excise duty payable on those goods; and
  - (ii) any customs duty and excise duty paid or payable on the raw materials used as input in their manufacture.
- (b) For the purposes of determining the price referred to in paragraph (a), it shall be assumed –
- (i) that the transaction is at arm’s length;
  - (ii) that the price is the sole consideration for the sale of the goods; and

(iii) that no discount, rebate or allowance is granted on the goods.

(5) Where it is specified in column 5 of Part II that the date payable is “As specified in paragraph (6)”, the date payable shall be –

- (a) in respect of removals for each of the months July to May, not later than 7 days after the end of the month; and
- (b) in respect of removals for the month of June, not later than the last day of that month.

**PART I – EXCISABLE GOODS IMPORTED INTO MAURITIUS**

| Column 1<br>5           | Column 2<br>Column 6   | Column 3            | Column 4                | Column 5  |
|-------------------------|--|---------------------|-------------------------|---|
| Heading H S Code<br>No. | Excisable goods<br>Date<br>Unit  | Statistical<br>base | Taxable<br>excise duty  | Rate of<br>payable  |
| 27.10                   | Petroleum oils<br>And oils obtained<br>From bituminous<br>minerals, other<br>than crude; pre-<br>parations not else-<br>where specified or<br>included, containing<br>by weight 70% or more<br>of petroleum oils or<br>of oils obtained from<br>bituminous minerals,<br>these oils being the<br>basic constituents<br>of the preparations.<br><br>... Motor spirit,<br>including aviation<br>spirit. |                     |                         |   |
| 2710.0011               | ... Aviation spirit  | kg                  | Value at<br>importation | 220%<br><br>At the time<br>the entry for<br>the goods is<br>validated in<br>accordance<br>with the<br>Customs Act<br>1988 |
| 2710.0019               | ... Other  | kg                  | -                       | 220%<br><br>-   |

|           |  |    |             |            |   |
|-----------|--|----|-------------|------------|---|
| 2710.002  | ... Spirit type jet fuel   | kg | -           | 220%       | -                                       |
|           | ... Other light oils and preparations.   |    |             |            |   |
| 2710.0039 | ...Other excluding white spirit  | kg |             | 220%       | -                                       |
| 2710.006  | ...Gas oils  | kg | -           | 75%        | -                                       |
| 87.03     | Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No. 87.02); including station wagons and racing cars.                                       |    |             |            |   |
|           | ... Other vehicles, with Spark-ignition internal Combustion Reciprocating piston Engine, excluding Vehicles specially Designed for travelling on Snow, golf cars and Similar vehicles, Ambulances and hearses: |    |             |            |   |
|           | ... of a cylinder capacity not exceeding 1,000 cc  |    |             |            |   |
| 8703.219  | ...Other   | U  | Value at    | 97%        | At the                                  |
| time      |  |    | importation |            |   |
|           |  |    |             | accordance | the entry for the goods is validated in |
|           |  |    |             | with the   | Customs Act 1988.                       |
|           | ... of a cylinder capacity not exceeding 1,000 cc but not exceeding 1,500 cc   |    |             |            |   |
|           | ... Other  |    |             |            |   |

|           |  |   |                           |              |                               |
|-----------|--|---|---------------------------|--------------|-------------------------------|
| 8703.2291 | ... of a cylinder capacity not exceeding 1,250 cc  | U | -                         | 97%          | -                             |
| 8703.2292 | ...Of a cylinder capacity exceeding 1,250 cc but not exceeding 1,400 cc  | U | -                         | 117%         | -                             |
| 8703.2299 | ...Other   | U | -                         | 117%         | ...                           |
|           | ...of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc  | U | -                         | 37%          | -                             |
| 8703.2391 | ...Of a cylinder capacity not exceeding 2,000 cc   |   | Value at                  | 157%         | At the entry for the goods is |
|           |  |   | accordance                | validated in |                               |
|           |  |   | with the customs Act 1988 |              |                               |
| 8703.2399 | ...Other   | U | -                         | 237%         | -                             |
|           | ... of a cylinder capacity exceeding 3,000cc   |   |                           |              |                               |
| 8703.249  | ...Other   | U | -                         | 237%         | -                             |
|           | ... Other vehicles, with Spark-ignition internal Combustion Reciprocating piston Engine, excluding Vehicles specially Designed for travelling on Snow, golf cars and Similar vehicles, Ambulances and hearses: |   |                           |              |                               |
|           | ... of a cylinder capacity not exceeding 1,500 cc  |   |                           |              |                               |
|           | ...Other   |   |                           |              |                               |
| 8703.3191 | ... of a cylinder capacity not exceeding 1,400 cc  | U | -                         | 97%          |                               |

|           |  |   |                      |      |  |
|-----------|--|---|----------------------|------|--|
| 8703.3199 | ...Other   | U | -                    | 97%  | -  |
|           | ...of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc  |   |                      |      |  |
|           | ...Other   |   |                      |      |  |
| 8703.3291 | ... of a cylinder capacity not exceeding 2,000 cc  | U | -                    | 117% |  |
| 8703.3299 | ...Other   | U | -                    | 157% | -  |
|           | ...Of a cylinder capacity exceeding 2,500 cc   |   |                      |      |  |
| 8703.332  | ... of a cylinder capacity not exceeding 3,000cc   | U | Value at importation | 157% | At the time the entry for the goods is validated in accordance with the Customs Act 1988 |
| 8703.339  | ...Other   | U | -                    | 237% |  |
| 87.04     | Motor vehicles for the transport of goods  |   |                      |      |  |
|           | ...Other, with compression-ignition internal combustion piston engine (diesel or semi-diesel), excluding dumpers, trucks of pick up type, lorries and vans, and their chassis fitted with engines and cabin only |   |                      |      |  |

|           |   |   |                                   |      |   |
|-----------|---|---|-----------------------------------|------|---|
|           | ...g.v.w. not exceeding<br>5 tons:  |   |                                   |      |   |
| 8704.2191 | ... Of a cylinder capacity<br>not exceeding 1,500 cc  | U | -                                 | 97%  | -   |
| 8704.2192 | ...Of a cylinder capacity<br>exceeding 1,500 cc but<br>not exceeding 2,000 cc   | U |                                   | 117% | -   |
| 8704.2193 | ... of a cylinder capacity<br>exceeding 2,000 cc but<br>not exceeding 3,000 cc  |   |                                   |      |   |
| 8704.2199 | ...Other  |   | 237%                              | ...- |   |
|           | ...Other, with spark-<br>ignition internal<br>combustion piston engine<br>excluding dumpers, trucks<br>of pick up type, lorries<br>and vans, and their<br>chassis fitted with<br>engines and cabin only |   |                                   |      |   |
|           | ... g.v.w. not exceeding 5<br>tonnes  |   |                                   |      |   |
|           | ...Other  |   |                                   |      |   |
| 8704.3191 | ...Of a cylinder capacity<br>not exceeding 1,250 cc   | U | Value at<br>importation           | 97%  | At the time the<br>for the goods is<br>validated in accord- |
|           |   |   | ance with the<br>Customs Act 1988 |      |   |
| 8704.3192 | ... of a cylinder capacity<br>exceeding 1,250 cc but<br>not exceeding 1,500 cc  | U | -                                 | 117% |   |
| 8704.3193 | ... of a cylinder capacity<br>not exceeding 2,000 cc  | U |                                   | 157% |   |
| 8704.3199 | ...Other  | U | -                                 | 237% | -   |

**PART IA – EXEMPTION ON EXCISABLE GOODS IMPORTED INTO MAURITIUS**

| Item<br>duty<br>No. | Bodies, organisa-<br>tions or persons                                   | Description of goods   | Rate of excise  |
|---------------------|---|--|---|
| 1.                  | Taxi-owner-driver<br>the  | Motor car proved to the satisfaction of<br><br>the Comptroller to have been imported by<br>or on behalf of, or to have been pur-<br>chased from a licensed dealer in motor<br>vehicle by an owner-driver for use as taxi<br>on an undertaking given by the owner-<br>driver that it shall not be sold to any<br>person or otherwise disposed of, without<br>approval of the Comptroller and of the<br>National Transport Authority.<br><br>The exemption shall be granted not more<br>than once in every 5 years, and may,<br>subject to the approval of the Minister<br>and on such terms and conditions as he<br>may impose, be extended to the heirs<br>of a deceased owner-driver. | 20 per cent of<br><br>rate applicable<br>to the motor car |
| 2.                  | Any tour operator or<br>car hire company<br>approved by the<br>Minister | Limousine type motor car of an engine<br>capacity of 2500 cc or more, provided<br>that –<br><br>(a) the motor car is to be used exclu-<br>sively for the transport of tourists<br>and security in the form of a bank<br>guarantee is furnished to the<br>Comptroller to that effect; and<br><br>(b) the whole amount of excise duty and<br>value added tax exempted shall<br>become payable where the motor car is<br>sold or otherwise disposed of within<br>4 years of the date of importation.  | 20 per cent of the<br>rate applicable to<br>the motor car |
| 3.                  | Any returning resident  | (1) Motor car proved to the satisfaction of<br>the Comptroller to have been imported<br>by a returning resident, provided<br>that the conditions specified in<br>paragraph (2) are satisfied.<br><br>(2) The conditions shall be –<br>(a) the returning resident is a permanent<br>resident of Mauritius and has not<br>renounced his citizenship of   |   |

Mauritius;

- (b) he is returning to Mauritius for good after residence abroad for an aggregate period of 10 years out of the 12 years immediately preceding the date of his return to Mauritius.
- (c) the motor car has been in his actual ownership and registered as such in the country of his residence overseas for a period of at least six months preceding the date of his return to Mauritius;
- (d) the motor car is imported within 180 days of the date of his return to Mauritius, unless it has accompanied the returning resident on his return, and
- (e) the motor car, if it has not accompanied the returning resident, is imported with the prior approval of the Comptroller, provided an application is made to him within one month of the return to Mauritius of the returning resident and full details of the vehicle are given.

(3) Where the motor car is registered in the name of a spouse who is not a permanent resident of Mauritius, the exemption shall be granted provided the conditions of paragraphs (2)(b) to (c) are satisfied.

(4) (a) Any returning resident who has been granted a concession under paragraph (1) shall, during the first 4 years after obtaining the exemption, inform the Comptroller beforehand in writing of any intended absence from Mauritius for more than 6 months.

(b) Subject to paragraph (a), where a returning resident –

- (i) absents himself from Mauritius for more than 6 months; or

- (ii) sells, pledges or otherwise disposes

of the motor car within 4 years of the date of its importation.

he shall pay such proportionate excise duty and value added tax on the motor vehicle as the Comptroller may determine in accordance with the Act.

- (5) When a returning resident dies within 4 years of the date of the importation of the motor car, no excise duty and value added tax shall be payable on the motor car.
- (6) Where a returning resident has been granted excise duty exemption on a passenger motor car under paragraph (1) or (3), no other excise duty exemption under this item or customs duty exemption under A 20 of Part II A of the First Schedule to the Customs Tariff Act shall be allowed to him, his spouse or any of his dependent children of less than 18 years of age.

Employees (including those on contract) of the Civil Service, a parastatal Organisation and a statutory body approved by the Minister, a Municipality or District Council, who have opted for the revised salary and conditions of the services prescribed in the Report of the Pay Research Bureau 1998 on Review of Pay and Grading Structures and Conditions Of service in the Public Sector and who are in the Grades specified in annexe II of Volume I of the Report.

Employees (including those Employed on contract) of the Civil Service, a parastatal organisation and and a statutory body approved by the Minister, a Municipality or District Council or a private secondary school who have opted for the revised salary and conditions of

service prescribed in the Report of the Pay Research Bureau 1998 on Review of Pay and Grading Structures conditions of service in the Public sector and as set out Hereunder:-

- |  |   |             |
|--|---|-------------|
| (a) Officers other than Accounting Heads of Department and Chief Executive of Parastatal Bodies and Statutory Bodies, Municipalities and District Councils, drawing a monthly Salary of Rs 30,670 and up To Rs32,470   | A new motor car of up to 1600 cc or an imported second hand car (up to 4 years old) of up to 1600 cc petrol engine.   | 15 per cent |
|  | The exemption shall be granted not more than once in every 5 years.   | 15 per cent |
| (b) Employees drawing a monthly salary of Rs 28,870  | A new motor car of up to 1400 cc or an imported second hand car (up to 4 years old) of up to 1400 cc petrol engine  |             |
| (c) Medical and Health Officers/Senior Medical and Health Officers, Dental Surgeons/Senior Dental Surgeons, District Magistrates, State Counsels and State Attorneys, Quantity Surveyors, Engineers, Architects, Pharmacists, Veterinary Officers and Controller (Radio Communications and Telecommunications) | A new motor car of up to 1400 cc or an imported second hand car (up to 4 years old) of up to 1400 cc petrol engine.   | 15 per cent |
| (d) Employees who on 1 July cent   | A new vehicle car of upto 1400 cc or an imported second hand car (up to 4 years old) of up to 1400 cc petrol engine.  | 15 per cent |
| 1998 would have drawn a monthly salary of Rs 15,500 including CSAT Award 1996, but are now drawing a monthly salary of less than Rs20,270 with the Report.   | The exemption under paragraph (b), (c) or (d) shall be granted not more than once in every seven years.   |             |
| 6 Any person   | Motor vehicle (other than motor car, "jeep-type" motor vehicle or station wagon derived from motor car) when proved to the satisfaction of the Comptroller to be used for the | 80 per cent |

Transport of both persons and goods.

|   |            |  |             |
|---|------------|--|-------------|
| 7 | Any person | “Jeep-type” motor vehicle or “Jeep-type” passenger motor car falling under Heading No. 87.03 or 87.04 of Part I of the First Schedule to the Customs Tariff Act. | 80 per cent |
|---|------------|--|-------------|

**PART II – EXCISABLE GOODS MANUFACTURED IN MAURITIUS**

| Column 1    | Column 2 | Column 3                     | Column 4  | Column 5              |                                  |
|-------------|----------|------------------------------|---|-----------------------|----------------------------------|
| Heading No. | H S Code | Excisable goods base         | Taxable excise duty   | Rate of payable       | Date                             |
|             | 2203.001 | ...Beer                      | Litre<br>litre  | Rs 11.00 per<br>litre | As specified in<br>paragraph (6) |
|             | 2203.002 | ...Stout                     | Litre<br>litre  | Rs 11.00 per<br>litre |                                  |
|             | 2203.003 | ...Shandy                    | Litre<br>litre  | Rs9.00 per<br>litre   | ...                              |
|             | 2204.10  | ...Sparkling wine<br>valorem | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs4.00 per<br>litre   |                                  |
|             | 2204.291 | ...Wine<br>valorem           | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs4.00 per<br>litre   | -                                |
|             | 2204.292 | ...Fortified wine<br>valorem | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs4.00 per<br>litre   | -                                |
|             | 2206.001 | ...Country liquor<br>valorem | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs 4.00 per<br>litre  |                                  |

|           |  |   |                                  |     |
|-----------|--|---|----------------------------------|-----|
| 2206.002  | ...Fortified country<br>valorem  | Litre/ad<br>litre or 30%<br>ad valorem,<br>whichever is<br>the higher | Rs4.00 per                       |     |
| 2206.003  | ...Country liquor<br>for used as input<br>in the manufacture<br>of vinegar | ad valorem  | 0%                               | ... |
| 2208.2021 | ...Brandy or matured<br>brandy   | Litre<br>% vol per<br>litre   | Rs2.73 per                       | ... |
| 2208.2022 | ...Blended brandy  | Litre<br>% vol per<br>litre   | Rs2.73 per                       |     |
| 2208.2029 | ...Other   | litre<br>% vol per<br>litre   | Rs2.73 per                       |     |
| 2208.301  | ...Whisky or matured<br>whisky   | Litre<br>% vol per<br>litre   | Rs 4.68 per                      |     |
| 2208.302  | ...Blended whisky  | Litre<br>% vol per  | Rs4.68 per                       |     |
| 2208.309  | ... Other  | Litre<br>% vol per<br>litre   | Rs4.68 per                       | -   |
| 2208.401  | ...Rum or matured<br>rum   | Litre<br>% vol per<br>litre   | Rs1.22 per                       | -   |
| 2208.402  | ...Local rum or<br>matured local rum                                       | Litre<br>% vol per<br>litre   | Rs1.22 per                       |     |
| 2208.409  | ...Other   | Litre<br>% vol per<br>litre   | Rs1.72 per                       |     |
| 2208.501  | ...Gin   | Litre   | Rs2.73 per<br>% vol per<br>litre |     |

|           |  |                |                                   |
|-----------|--|----------------|-----------------------------------|
| 2208.502  | ...Blended gin                               | Litre          | Rs2.73 per<br>% vol per<br>Litre  |
| 2208.503  | ...Flavoured gin                             | Litre          | Rs2.73 per<br>% vol per<br>litre  |
| 2208.509  | ...Other                                     | Litre          | Rs2.73 per<br>% vol per<br>Litre  |
| 2208.60   | ...Vodka                                     | Litre          | Rs2.73 per<br>% vol per<br>Litre  |
| 2208.701  | ...Liqueurs                                  | Litre          | Rs1.72 per<br>% vol per<br>Litre  |
| 2208.702  | ...Cordial                                   | Litre          | Rs1.72 per<br>% vol per<br>Litre  |
| 2208.901  | ...Cane spirits                              | Litre          | Rs2.73 per<br>% vol per<br>litre  |
| 2208.902  | ...Aperitif                                  | Litre          | Rs 1.72 per<br>% per litre        |
| 2208.903  | ...Compounded spirits<br>made from local rum | Litre          | Rs1.22 per<br>% vol per           |
| 2208.904  | ...Compounded spirits<br>made from rum       | Litre          | Rs1.22 per<br>% vol per<br>litre  |
| 2208.905  | ...Admixed spirits                           | Litre<br>litre | Rs 2.73 per                       |
| 2208.9091 | ...Alcoholic beverages                       | Litre          | Rs 1.72 per<br>% vol per<br>litre |
| 2208.9092 | ...Liquor                                    | Litre          | Rs1.72<br>% vol per<br>litre      |
| 2208.9099 | ...Other                                     | Litre          | Rs1.72 per<br>% vol per           |

|           |  |            |    | litre |      |                                       |
|-----------|--|------------|----|-------|------|---------------------------------------|
| 24.02     | Cigars, cheroots,<br>cigarillos and<br>cigarettes, of<br>tobacco substi-<br>tutes  |            |    |       |      |                                       |
| 2402.20   | ...Cigarettes contain-<br>ing tobacco  |            |    |       | 225% |                                       |
|           | ...Other   |            |    |       |      |                                       |
| 2402.901  | ...Cigarettes  | ad valorem |    |       | 225% | -                                     |
| 27.10     | Petroleum oils<br>and oils obtained<br>from bituminous<br>Minerals, other<br>than crude; pre-<br>parations not else-<br>where specified or<br>included, containing<br>by weight 70% or more<br>of petroleum oils or<br>of oils obtained from<br>bituminous minerals,<br>these oils being the<br>basic constituents<br>of the preparations. |            |    |       |      |                                       |
|           | ... Motor spirit,<br>including aviation<br>spirit.   |            |    |       |      |                                       |
| 2710.0011 | ... Aviation spirit  |            | kg |       | 220% |                                       |
| 2710.0019 | ... Other  |            | kg | -     | 220% | -                                     |
| 2710.002  | ... Spirit type jet  | fuel       | kg | -     | 220% | -                                     |
|           | ...Other light oils and<br>preparations  |            |    |       |      |                                       |
| 2710.0039 | ...Other   |            | Kg |       | 220% | As specified<br>in paragraph<br>(6) - |

|           |  |    |   |     |                                      |
|-----------|--|----|---|-----|--------------------------------------|
|           | ... Other medium oils and preparations.  |    |   |     |                                      |
| 2710.006  | ...Gas oils  | kg | - | 75% | -                                    |
| 87.03     | Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No. 87.02); including station wagons and racing cars.                                       |    |   |     |                                      |
|           | ... Other vehicles, with Spark-ignition internal Combustion Reciprocating piston Engine, excluding Vehicles specially Designed for travelling on Snow, golf cars and Similar vehicles, Ambulances and hearses: |    |   |     |                                      |
|           | ... of a cylinder capacity not exceeding 1,000 cc  |    |   |     |                                      |
| 8703.219  | ...Other   |    | U | 97% | At time of removal from factory      |
|           | ... of a cylinder capacity not exceeding 1,000 cc but not exceeding 1,500 cc   |    |   |     |                                      |
|           | ... Other  |    |   |     |                                      |
| 8703.2291 | ... of a cylinder capacity not exceeding 1,250 cc  |    | U | -   | 97%                                  |
| 8703.2292 | ...Of a cylinder capacity exceeding 1,250 cc but not exceeding 1,400 cc  |    | U |     | 117% At time of removal from factory |
| 8703.2299 | ...Other   |    | U | -   | 117% ...                             |

|           |  |   |   |      |   |
|-----------|--|---|---|------|---|
|           | ...of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc  | U | - |      | - |
|           | ...Other   |   |   |      |   |
| 8703.2391 | ...Of a cylinder capacity not exceeding 2,000 cc   |   |   | 157% |   |
| 8703.2399 | ...Other   | U | - | 237% | - |
|           | ... of a cylinder capacity exceeding 3,000cc   |   |   |      |   |
| 8703.249  | ...Other   | U | - | 237% | - |
|           | ... Other vehicles, with compression-ignition internal combustion piston engine (diesel or semi-diesel), excluding vehicles specially designed for travelling on snow, golf cars and similar vehicles, ambulances and hearses: |   |   |      |   |
|           | ... of a cylinder capacity not exceeding 1,500 cc  |   |   |      |   |
|           | ...Other   |   |   |      |   |
| 8703.3191 | ... of a cylinder capacity not exceeding 1,400 cc  | U | - | 97%  |   |
| 8703.3199 | ...Other   | U | - | 97%  | - |
|           | ...of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc  |   |   |      |   |
|           | ...Other   |   |   |      |   |
| 8703.3291 | ... of a cylinder capacity not exceeding 2,000 cc  | U | - | 117% |   |

|           |   |   |   |      |                                 |
|-----------|---|---|---|------|---------------------------------|
| 8703.3299 | ...Other  | U | - | 157% | At time of removal from factory |
|           | ...Of a cylinder capacity exceeding 2,500 cc  |   |   |      |                                 |
| 8703.332  | ... of a cylinder capacity not exceeding 3,000cc  | U |   | 157% | ...                             |
| 8703.339  | ...Other  | U | - | 237% |                                 |
| 87.04     | Motor vehicles for the Transport of goods.  |   |   |      |                                 |
|           | ...Other, with compression-ignition internal combustion piston engine (diesel) excluding dumpers, trucks of pick up type, lorries and vans, and their chassis filled with engines and cabin only: |   |   |      |                                 |
|           | ...g.v.w. not exceeding 5 tonnes:   |   |   |      |                                 |
|           | ...Other  |   |   |      |                                 |
| 8704.2191 | ...Of a cylinder capacity not exceeding 1,500 cc  | U |   | 97%  | ...                             |
| 8704.2192 | ...Of a cylinder capacity exceeding 1,500cc but not exceeding 2000cc  | U |   | 117% |                                 |
| 8704.2193 | ... of a cylinder capacity exceeding 2,000 cc but not 3,000 cc  | U |   | 157% | ...                             |
| 8704.2199 | ... Other   | U |   | 237% | ....                            |
|           | ... Other with spark ignition internal combustion piston engine, excluding dumpers, trucks of pick up type, lorries and vans, and their chassis fitted with                                       |   |   |      |                                 |

|           |  |   |   |      |   |
|-----------|--|---|---|------|---|
|           | engines and cabin only.  |   |   |      |   |
|           | ... g.v.w not exceeding 5 tonnes   |   |   |      |   |
|           | ...Other   |   |   |      |   |
| 8704.3191 | ... of a cylinder capacity not exceeding 1,250 cc                        | U | - | 97%  | - |
| 8704.3192 | ...Of a cylinder capacity exceeding 1,250 but not exceeding 1,500 cc     | U | - | 117% | - |
| 8704.3193 | ... Of a cylinder capacity exceeding 1,500 cc but not exceeding 2,000 cc | U | - | 157% | - |
| 8704.3199 | ...Other   | U | - | 237% | - |

**THIRD SCHEDULE**  
(section 10(w))

**FIFTH SCHEDULE**  
(section 93)

**PART A – METHOD TO CALCULATE TAX TO BE WITHHELD FROM MONTHLY PAY**

(Applicable to an employee who has submitted an Employee Declaration Form to his employer)

| Chargeable Income |          | Tax (Rs)                        |
|-------------------|----------|---------------------------------|
| Rs                | Rs       |                                 |
| 1 to 1153         | -        | 5 per cent of chargeable income |
| 1154 to 3077      | 58 + 15  | per cent of excess over Rs 1153 |
| 3078 to 5000      | 346 + 25 | per cent of excess over Rs 3077 |
| 5001 and over     | 827 + 28 | per cent of excess over Rs 5000 |

**PART B – METHOD TO CALCULATE TAX TO BE**

**WITHHELD FROM  
FORTNIGHTLY PAY**

(Applicable to an employee who has submitted an  
Employee declaration Form to his employer)

| <b>Chargeable Income</b> |     | <b>Tax (Rs)</b> |                                |
|--------------------------|-----|-----------------|--------------------------------|
| Rs                       | Rs  |                 |                                |
| 1 to 535                 | -   | 5               | per cent of chargeable income  |
| 536 to 1428              | 27+ | 15              | per cent of excess over Rs :35 |
| 1429 to 2321             | 16+ | 25              | per cent of excess over Rs1:28 |
| 2322 and over            | 38+ | 28              | per cent of excess over Rs2:21 |

**PART C – METHOD TO CALCULATE TAX TO BE  
WITHHELD FROM WEEKLY PAY**

(Applicable to an employee who has submitted an  
Employee Declaration Form to his employer)

| <b>Chargeable Income</b> |    | <b>Tax (Rs)</b> |                                 |
|--------------------------|----|-----------------|---------------------------------|
| Rs                       | Rs |                 |                                 |
| 1 to 267                 | -  | 5               | per cent of chargeable income   |
| 268 to 714               | 13 | + 15            | per cent of excess over Rs 267  |
| 715 to 1160              | 10 | + 25            | per cent of excess over Rs 714  |
| 1161 and over            | 11 | + 28            | per cent of excess over Rs 1160 |

**PART D – TAX WITHHOLDING AT FLAT RATE**

| <b>Chargeable income</b> | <b>Rate of Tax<br/>on chargeable<br/>income</b> |
|--------------------------|---|
| Under section 96 (2)(a)  | 20 per cent                                     |
| Under section 96 (2)(b)  | 20 per cent                                     |
| Under section 96 (2)(c)  | 10 per cent                                     |
| Under section 96 (2)(d)  | 5 per cent                                      |

**FOURTH SCHEDULE**  
(section 10(x))

**SEVENTH SCHEDULE**  
(section 108))

**METHOD TO CALCULATE TAX UNDER  
THE CURRENT PAYMENT SYSTEM (CPS)**

| Chargeable Income<br>Rs | Rs    | Tax (Rs)                              |
|-------------------------|-------|---------------------------------------|
| 1 to 7,500              | -     | 5 per cent of chargeable income       |
| 7,501 to 20,000         | 375   | +15 per cent of excess over Rs 7,500  |
| 20,001 to 32,500        | 2,250 | +25 per cent Of excess over Rs 20,000 |
| 32,501 and over         | 5,375 | +28 Rs 32,500                         |

**FIFTH SCHEDULE**  
*(section 20(j))*

**FIFTH SCHEDULE**  
*(section 11)*

1. Goods, other than those specified in the First Schedule, exported from Mauritius under Customs control.
2. The following goods –
  - (a) wheat flour; wheat bran;
  - (b) edible oils;
  - (c) margarine;
  - (d) sterilised liquid milk, curdled milk and cream; yoghurt;
  - (e) sugar;
  - (f) live Poultry, meat Of Poultry, edible offal Of poultry and birds' eggs in the shell;
  - (g) fertilisers;
  - (h) animal feeding stuffs other than Prepared pet foods;
  - (i) printed books, booklets, brochures, pamphlets, leaflets and similar Printed matter (except directories and reports) or heading No. 49.01;

- (j) children's picture, drawing or colouring books of heading No. 49.03;
  - (k) music, printed or in manuscript whether or not bound or illustrated of heading No. 49.04;
  - (l) vegetables and fruits produced in and exported from Mauritius.
  - (m) horticultural produce produced in and exported from Mauritius.
3. The transport of goods by sea or air –
- (a) from or to Mauritius;
  - (b) from or to the Island of Rodrigues;
  - (c) from or to the Outer Islands; or
  - (d) from a place outside Mauritius to another place outside Mauritius.
4. (a) Any supply of goods made by an operator of a duty free shop situated at the port or airport.
- (b) Any supply of goods made by an operator of a duty free shop situated at a place other than the port or airport, provided that the goods are delivered, under Customs control, to the visitor or traveller at the port or airport.
5. The supply of any goods or services, other than those specified more First Schedule, to a licensee in the freeport zone.
6. (a) The supply of services to a person who belongs in a country other than Mauritius and who is outside Mauritius at the time the services are performed.
- (b) The supply of services by companies holding an offshore management licence under the Mauritius offshore Business Activities Act 1992.
- (c) For the purpose, of paragraph (a), a person belongs in a country other than Mauritius if that person -
- (i) has no permanent establishment in Mauritius for the carrying on offshore business; or
  - (ii) has his place of abode outside Mauritius.

For the purposes of item 6 of this Schedule, any reference to services is a reference to services, other than those specified in the First Schedule.

**SIXTH SCHEDULE**  
(*section 20(k)*)

**SEVENTH SCHEDULE**  
(*section 12(6)*)

1. Motor spirit and gas oils
2. Liquified petroleum gas
3. Bars of iron or steel
4. Portland cement
5. Cigarettes containing tobacco