

THE FINANCE (MISCELLANEOUS PROVISIONS) BILL
(No. XXXI of 2011)

Explanatory Memorandum

The object of this Bill is to provide for the implementation of measures announced in the Budget Speech 2012 relating to taxation and national finance, and for matters consequential or incidental thereto.

2 December 2011

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*Vice-Prime Minister, Minister of Finance
and Economic Development*

THE FINANCE (MISCELLANEOUS PROVISIONS) BILL
(No. XXXI of 2011)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Advertisements Regulation Act amended
3. Civil Status Act amended
4. Customs Act amended
5. Environment Protection Act amended
6. Excise Act amended
7. Gambling Regulatory Authority Act amended
8. Income Tax Act amended
9. Land (Duties and Taxes) Act amended
10. Local Government Act amended
11. Mauritius Revenue Authority Act amended
12. National Pensions Act amended
13. National Savings Fund Act amended
14. Pensions Act amended
15. Registration Duty Act amended
16. State Lands Act amended
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20. Validation of resolution
21. Commencement

A BILL

To provide for the implementation of measures announced in the Budget Speech 2012 relating to taxation and national finance, and for matters consequential or incidental thereto

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Finance (Miscellaneous Provisions) Act 2011.

2. Advertisements Regulation Act amended

The Advertisements Regulation Act is amended –

(a) by repealing sections 2 to 6 and replacing them by the following sections –

2. Interpretation

In this Act –

“advertising structure” means any structure or apparatus, whether mechanical, electrical, electronic or in any other form, intended only for the display of advertisements;

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“fee” or “advertising structure fee” –

- (a) means the advertising structure fee chargeable under section 4; and
- (b) includes any penalty and interest referred to in section 7; but
- (c) does not include any fine;

“financial year” means the period of 12 months ending on 31 December in any year;

“highway authority” has the same meaning as in the Roads Act;

“local authority” has the same meaning as in the Local Government Act;

“owner”, in relation to an advertising structure, includes –

- (a) the person who is the owner of the advertising structure;
- (b) in respect of an advertising structure situate on State land, or *Pas Géométriques*, the lessee of the site;
- (c) in respect of a leased advertising structure, the person who receives rent or, if the advertising structure were to be let, would be entitled to receive the rent, whether for his own benefit or that of another person; or
- (d) where the owner cannot be found or ascertained, the person whose product or service is being advertised by means of the structure;

“vignette” means the vignette referred to in section 5.

3. Regulation of advertising structures

(1) The highway authority shall, for the purposes of the erection or display of an advertising structure which is visible from a motorway or main road, exercise control in accordance with sections 22 to 25 of the Roads Act.

(2) (a) Every local authority shall, in relation to the erection or display of an advertising structure which is visible from an urban or a rural road, or any other place other than a motorway or main road, exercise control in accordance with sections 22 to 25 of the Roads Act, subject to such modifications, adaptations and exceptions as may be necessary to bring them in conformity with paragraph (b).

(b) Every local authority shall, for the purposes of paragraph (a), make regulations for regulating, restricting or preventing within its own area the exhibition of advertisements in such places and in such manner, or by such means, as to disfigure or injuriously affect –

- (i) the view of rural scenery from a highway or from any public place or water;
- (ii) the amenities of any town or village or of a public garden, square or pleasure promenade;
- (iii) the natural beauty of a landscape; or
- (iv) the amenities of any historic or public building or monument or of any place frequented by the public solely or chiefly on account of its beauty or historical interest.

(3) This section shall not apply to the exhibition of advertisements on or upon any platform, landing stage or wharf not belonging to or not under the control of the highway authority or a local authority.

4. Charge to advertising structure fee

(1) Subject to this section, there shall be charged, on every advertising structure, a fee to be known as “advertising structure fee”.

(2) (a) Every owner of an advertising structure specified in column 1 of the Schedule shall pay to the Director-General a fee specified in column 2 of that Schedule corresponding to that advertising structure, by the date specified in column 3 of that Schedule.

(b) The fee under paragraph (a) shall be paid in such form and manner, whether in electronic form or otherwise, as the Director-General may determine.

(3) The fee payable under subsection (2)(a) shall be paid, in respect of a financial year or part of a financial year, not later than one month after the date of the written permission from the highway authority or the local authority, as the case may be.

5. Vignette to be affixed on advertising structure

(1) (a) At the time of payment of the fee under section 4, the Director-General shall issue a vignette to the owner.

(b) The owner shall, not later than 5 working days from the date of issue of the vignette under paragraph (a), affix the vignette on the bottom right-hand side of the advertising structure.

(2) Every vignette shall –

- (a) be of such material, size and colour as the Director-General may determine;
- (b) bear the words “Mauritius Revenue Authority” and the logo thereof;
- (c) bear the name and address of the manufacturer of the vignette; and
- (d) bear a serial number by which the owner of the advertising structure can be identified.

6. Registration of advertising structures

(1) (a) Subject to this section, every owner shall, on receipt of a written permission from the highway authority or any local authority, as the case may be, for the erection of an advertising structure, register the advertising structure with the Director-General, not later than 14 days from the date of the permission.

(b) Registration under paragraph (a) shall be made in such form and manner as the Director-General may determine and shall be accompanied by a certified copy of the permission referred to in that paragraph.

(2) (a) The highway authority or the local authority, as the case may be, shall, not later than 10 January 2012, provide a list of all permissions for an advertising structure which is valid as at 31 December 2011, together with details of the advertising structure, to the Director-General, in such form and manner as may be mutually agreed.

(b) On receipt of the list of permissions provided under paragraph (a), the Director-General shall register the advertising structures referred to in that list, and those advertising structures shall be deemed to have been registered under this section.

7. Penalty and interest for late payment of fee

(1) Where an owner fails to pay any fee on the last day on which it is payable, he shall be liable to pay to the Director-General, in addition to the fee –

- (a) a penalty of 5 per cent of the fee; and
- (b) interest at the rate of one per cent per month or part of the month on any amount of fee unpaid up to the date of payment.

(2) Any owner who fails to pay the fee under sections 4 and 7 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 12 months.

8. Alteration of advertising structures

(1) Where the owner of an advertising structure intends to alter the structure, he shall give written notice of the alteration, 15 days before the alteration, to the highway authority or the local authority, as the case may be, and to the Director-General.

(2) The notice under subsection (1) shall be given in such form and manner as may be determined jointly by the highway authority, the local authority and the Director-General.

(3) Where the highway authority or the local authority, as the case may be, approves the alteration of the advertising structure, it shall give its written authorisation to the owner, with copy to the Director-General, on such terms and conditions as it may determine.

(4) The fee chargeable under section 4 on the advertising structure shall be adjusted in accordance with the Schedule to reflect the advertising structure, as altered.

9. Removal of advertising structures

(1) Where the owner of an advertising structure intends to remove the structure, he shall give written notice of his intention, 15 days before the removal, to the highway authority or the local authority, as the case may be, and to the Director-General.

(2) The notice under subsection (1) shall be given in such form and manner as may be determined jointly by the highway authority, the local authority and the Director-General.

(3) Upon removal of the advertising structure, the owner shall –

- (a) give written notice of the removal, not later than 15 days from the date of the removal, to the highway authority or the local authority, as the case may be, and to the Director-General; and
- (b) at the same time, return the vignette to the Director-General.

(4) On receipt of a notice referred to in subsections (1) and (3), the Director-General shall –

- (a) ensure that the fee payable on the advertising structure has been paid; and
- (b) deregister the advertising structure.

10. Assessment and recovery of fee

The provisions of Parts VII, VIII and IX and sections 67 to 71 of the Value Added Tax Act shall apply to the fee with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act.

11. Offences

Any owner who fails –

- (a) to affix the vignette in accordance with section 5(1)(b);
- (b) to register his advertising structure with the Director-General under section 6; or
- (c) to give written notice under section 8(1) or 9(1) or (3),

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

12. Regulations

(1) The Minister to whom responsibility for the subject of finance is assigned may –

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations, amend the Schedule.

(2) Any regulations made under this Act may provide for the taking of fees and levying of charges.

13. Transitional provision

- (1) Any fee unpaid to a local authority in respect of –
- (a) display of an advertisement on electronic board or any other electronic medium –
 - (i) of not more than 3 square metres (per 0.1 square metres);
 - (ii) of more than 3 square metres (per additional 0.1 square metres or fraction thereof); or
 - (b) display of an advertisement on field board or billboard –
 - (i) of not more than 3 square metres (per 0.1 square metres);
 - (ii) of more than 3 square metres (per additional 0.1 square metres or fraction thereof),

as at 31 December 2011 shall be paid to the local authority not later than 31 January 2012.

(2) In this section, “fee” means the fee payable under the Local Government Act 2003.

14. Consequential amendment

The Local Government Act 2003 is amended, in the Eighth Schedule, in Part II, by deleting the following items –

Display of an advertisement on electronic board or any other electronic medium –

- (a) of not more than 3 square metres (per 0.1 square metres);
- (b) of more than 3 square metres (per additional 0.1 square metres or fraction thereof)

Display of an advertisement on field board or billboard –

- (a) of not more than 3 square metres (per 0.1 square metres);
- (b) of more than 3 square metres (per additional 0.1 square metres or fraction thereof)

- (b) by adding the Schedule set out in the First Schedule to this Act.

3. **Civil Status Act amended**

The Civil Status Act is amended, in section 62, by repealing subsection (1) and replacing it by the following subsection –

(1) (a) The fee specified in item 1 of the Schedule shall be levied by means of stamps.

(b) The fee specified in item 2 of the Schedule shall be paid at the time the application is made under section 55.

(c) The fee collected under paragraph (b) shall be paid into the Consolidated Fund.

4. **Customs Act amended**

The Customs Act is amended –

(a) in section 2 –

(i) by deleting the definition of “duty-free shop” and replacing it by the following definition –

“duty-free shop” means a shop, at a port or an airport, approved by the Director-General, for the sale of goods, free of duty, excise duty or taxes, to –

(a) a passenger leaving for, or arriving from, a foreign port or an airport;

(b) a master or member of a crew leaving for a foreign port or an airport;

(c) another duty-free shop; or

(d) a shop under the Deferred Duty and Tax Scheme;

(ii) by inserting, in the appropriate alphabetical order, the following new definitions –

“Deferred Duty and Tax Scheme” means such scheme as may be prescribed, whereby any shop under that scheme may sell goods –

(a) mainly to visitors, to a duty-free shop or to another shop under that scheme, without payment of duty, excise duty or taxes; and

(b) to other persons upon payment of duty, excise duty or taxes.

“relief consignments” means –

- (a) goods, including foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, water purifying and water storage items or other goods of prime necessity, forwarded as aid to persons affected by disaster; and
 - (b) all equipment, vehicles and other means of transport, specially trained animals, provisions, supplies, personal effects and other goods for disaster relief personnel to enable them to perform their duties and to support their living and working in the territory of the disaster throughout the duration of their mission;
- (b) in section 16, by repealing subsection (2) and replacing it by the following subsection –
- (2) (a) Where a document is required to be delivered under subsection (1), it shall not be submitted with the entry of the goods but shall, subject to paragraph (b), be kept by the person in accordance with section 43A.
 - (b) Where, in respect of the entry of any goods, a document specified in the Third Schedule is required, it shall, unless otherwise authorised by the Director-General, be scanned and sent to him.
 - (c) The Director-General shall save the scanned document in the Customs Management System operated by the Customs Department of the Authority.
- (c) in section 16B(4), by deleting the words “shall deliver to the Director-General with the entry of those goods, the hard copy of the electronic declaration together with the required permit or authorisation” and replacing them by the words “shall, unless otherwise authorised, forward to the Director-General with the entry of those goods, the scanned copy of the required document referred to in the Third Schedule, which shall be saved in the Customs Management System operated by the Customs Department of the Authority”;
- (d) in section 21(1), by inserting, after the words “another period of 6 months,”, the words “or such other period as the Director-General may consider necessary, depending on the duration of the implementation of a project and provided that the period shall not exceed 3 years,”;
- (e) in section 30, by adding the following new subsection –
- (3) Notwithstanding subsection (1), the Director-General may, at any time, release relief consignments in such manner and under such conditions as he considers appropriate in the circumstances.
- (f) in section 34(1), by deleting the words “and such copies as may be required”;

- (g) in section 43A(2), by deleting the words “together with a copy of the documents delivered to the Director-General with that entry” and replacing them by the words “together with –
 - (a) the original of the documents, where the documents have been scanned and forwarded to the Director-General; or
 - (b) a copy of the documents, where the documents have been delivered to the Director-General”;
- (h) in section 76(1), by deleting the words “of 12 months” and replacing them by the words “of 24 months”;
- (i) in section 77 –
 - (i) in subsection (1)(b), by deleting the figure “12” and replacing it by the figure “24”;
 - (ii) in subsection (2), by deleting the words “a further period of 12 months” and replacing them by the words “a further period of 24 months”;
- (j) in section 95(a), by deleting the words “and such copies as may be required in the prescribed form” and replacing them by the words “as may be required by the Director-General”;
- (k) in section 103, by deleting the words “and free of duty” and replacing them by the words “or freeport zone, free of duty”;
- (l) by adding the Third Schedule set out in the Second Schedule to this Act.

5. Environment Protection Act amended

The Environment Protection Act is amended, in section 69A –

- (a) in subsection (3), by inserting, after the words “31 December 2010”, the words “, or the period 1 January to 31 December 2012,”;
- (b) in subsection (4), by deleting the words “and solidarity levy under the Value Added Tax Act”.

6. Excise Act amended

The Excise Act is amended –

- (a) in section 2, by inserting, in the appropriate alphabetical order, the following new definitions –
 - “anhydrous ethanol” means a product, which is dehydrated, having an alcoholic strength of more than 99 per cent by volume obtained by distilling fermented molasses of sugar cane;

“blended mogas” means a product obtained by blending anhydrous ethanol with mogas;

“classic or vintage motor car” has the same meaning as in the Consumer Protection (Control of Imports) Regulations 1999;

“CO₂ emission” or “CO₂ gramme per kilometre” means the average of the combined measurement of CO₂ emission computed in accordance with Regulation No. 101 of the Economic Commission for Europe of the United Nations (UN/ECE);

“fortified admixed wine” means a product having an alcoholic strength of not more than 24 per cent of alcohol by volume obtained by adding spirits of not less than 50 per cent of alcohol by volume to admixed wine;

“fortified island wine” means a product having an alcoholic strength of not more than 24 per cent of alcohol by volume obtained by adding spirits of not less than 50 per cent of alcohol by volume to island wine;

“fortified made wine” means a product having an alcoholic strength of not more than 24 per cent of alcohol by volume obtained by adding spirits of not less than 50 per cent of alcohol by volume to made wine;

“hydrous ethanol” means a product, which is not dehydrated, having an alcoholic strength of more than 99 per cent by volume obtained by distilling fermented molasses of sugar cane;

“import permit” has the same meaning as in the Consumer Protection (Control of Imports) Regulations 1999;

“inspection certificate” means the inspection certificate referred to in the Consumer Protection (Control of Imports) Regulations 1999;

“returning resident” means a person referred to in paragraph 6 of Part I of the Eighth Schedule to the Consumer Protection (Control of Imports) Regulations 1999;

(b) in section 3, by inserting, after subsection (3), the following new subsection –

(3A) The appropriate rate of excise duty specified in the First Schedule prior to the amendment of that Schedule made on 13 July 2011 by the Excise (Amendment) Act 2011, shall apply to a double-space cabin vehicle of pick up type without rear bed, provided that –

- (a) it is shipped, or is in bonded warehouse, before 13 July 2011;
- (b) a confirmed order for an individual has been placed before 13 July 2011 and it is shipped on or before 31 December 2011; or
- (c) it is manufactured on or after 12 June 2011 but before 13 July 2011.

(c) in section 3C –

(i) by repealing subsection (6) and replacing it by the following subsection –

(6) Subject to subsection (8), every importer of a motor car which is specified in Sub-part A of Part III of the First Schedule shall submit to the Director-General –

- (a) in respect of every new motor car shipped on or after 13 July 2011, a CO₂ emission certificate issued by the manufacturer of the motor car;
- (b) in respect of every second-hand motor car shipped on or after 13 July 2011, an inspection certificate stating the CO₂ emission of the second-hand motor car at the time it was manufactured; or
- (c) in respect of a second-hand motor car of a returning resident shipped on or after 31 December 2011 or such later date as may be prescribed, an inspection certificate stating the CO₂ emission of the motor car at the time it was manufactured.

(ii) by repealing subsection (8) and replacing it by the following subsection –

(8) (a) No importer of a motor car which is specified in Sub-part A of Part III of the First Schedule shall be required to submit to the Director-General –

- (i) in respect of a new motor car, a CO₂ emission certificate, provided that –
 - (A) it is shipped before 13 July 2011;
 - (B) a confirmed order for an individual has been placed before 13 July 2011 and the motor car is shipped on or before 31 December 2011;
 - (C) it is manufactured on or after 12 June 2011 but before 13 July 2011; or
 - (D) it is in bonded warehouse before 13 July 2011;

- (ii) in respect of a second-hand motor car, an inspection certificate stating the CO₂ emission at the time it was manufactured, provided that –
 - (A) it is shipped before 13 July 2011;
 - (B) it is in bonded warehouse before 13 July 2011; or
 - (C) an import permit or an inspection certificate has been issued before 13 July 2011;
- (iii) in respect of a second-hand motor car of a returning resident, an inspection certificate stating the CO₂ emission at the time it was manufactured, provided that it has been manufactured before 1 March 2001; or
- (iv) in respect of a classic or vintage motor car, any CO₂ emission certificate or inspection certificate stating the CO₂ emission of the motor car.

(b) The appropriate rate of excise duty specified in the First Schedule prior to the amendment of that Schedule made on 13 July 2011 by the Excise (Amendment) Act 2011, shall apply to –

- (i) a motor car referred to in paragraph (a)(i), (ii) and (iii); and
- (ii) a classic or vintage motor car provided that it is shipped before 13 July 2011.

(c) Where the importer of a motor car, who is not required to submit a CO₂ emission certificate or inspection certificate under paragraph (a), submits a CO₂ emission certificate or inspection certificate, this section and Parts I and III of the First Schedule shall apply to that motor car.

- (iii) by repealing subsection (9) and replacing it by the following subsection –

(9) Where the measurement of CO₂ emission of a motor car is not computed in accordance with Regulation No. 101 of the Economic Commission for Europe of the United Nations (UN/ECE), the measurement of CO₂ emission of that motor car shall be computed in accordance with such mode of computation as may be applicable in another country and as may be approved by the Director-General.

- (d) in the First Schedule, in Part I –
 - (i) by deleting the items and their corresponding entries specified in Part A of the Third Schedule to this Act;
 - (ii) by inserting, in the appropriate numerical order, the items and their corresponding entries specified –
 - (A) in Part B of the Third Schedule to this Act; or
 - (B) in Part C of the Third Schedule to this Act.

7. Gambling Regulatory Authority Act amended

The Gambling Regulatory Authority Act is amended –

- (a) in section 2 –
 - (i) by deleting the definition of "AWP machine";
 - (ii) by deleting the words "AWP machine" wherever they appear and replacing them by the words "limited payout machine";
 - (iii) in the definition of "gaming machine", by adding, after the words "amusement machine", the words "or limited payout machine";
 - (iv) by inserting, in the appropriate alphabetical order, the following new definitions –

"limited payout machine" means an electromechanical machine or other device which complies with such technical standards as may be prescribed and which, on insertion of a coin, bank note, electronic credit, token or similar object or on payment of any other consideration, enables a person to play a game approved by the Authority, whereby the person, by reason of skill, or through an element of chance or both, receives electronic credits, tokens or tickets which are exchangeable in return for prizes and which are limited to –

- (a) one opportunity or more to play a further game;
- (b) electronic credits, tokens or tickets for one or more cash prizes with a combined retail monetary value not exceeding 3,000 rupees or such other amount as may be prescribed; or
- (c) cash equivalent to the amount the person inserts in the machine;

"limited payout machine operator" means a company licensed to operate a limited payout machine;

(b) in Part VIA –

- (i) in the heading, by deleting the words “**AWP MACHINES**” and replacing them by the words “**LIMITED PAYOUT MACHINES**”;
- (ii) by deleting the words “AWP machines” and “AWP machine” wherever they appear and replacing them by the words “limited payout machines” and “limited payout machine”, respectively;
- (iii) by inserting, after section 29B, the following new section –

29C. Operation of limited payout machine

(1) A limited payout machine operator shall not –

- (a) install a limited payout machine on a site, or allow such a machine to be made available for playing, unless that machine has been registered with the Authority; or
- (b) move a limited payout machine from one site to another –
 - (i) without the approval of the Authority; and
 - (ii) otherwise than under the supervision, and in presence of a representative of the Authority.

(2) A limited payout machine operator shall, during the licensed hours of operation, maintain adequate control and supervision over all his limited payout machines.

(c) in section 109 –

- (i) in subsection (1) –
 - (A) in paragraph (a), by inserting, after the words “gaming machines,”, the words “limited payout machines,”;
 - (B) in paragraph (b) –
 - (I) in subparagraph (i), by inserting, after the words “gaming machine”, the words “, limited payout machine”;
 - (II) in subparagraphs (iii) to (v), by inserting, after the words “gaming machines”, the words “and limited payout machines”;
- (ii) in subsection (2), by inserting, after the words “gaming machine operator”, the words “, limited payout machine operator”;
- (iii) in subsection (5), by inserting, after the words “gaming machine”, the words “, limited payout machine”;

- (d) in section 112, by deleting the words "AWP machine" wherever they appear and replacing them by the words "limited payout machine";
- (e) in section 113 (2), by deleting the words "AWP machine" and replacing them by the words "limited payout machine";
- (f) in section 114 (1), by deleting the words "AWP machine" and replacing them by the words "limited payout machine";
- (g) in section 140 (1) and (2), by deleting the words "or gaming machine" and replacing them by the words ", gaming machine or limited payout machine";
- (h) in section 153(3), by inserting, after the words "gaming machine operator", the words ", limited payout machine operator";
- (i) in section 164(2), by inserting, after paragraph (c), the following new paragraphs –
 - (ca) for a limit on the maximum –
 - (i) aggregate stake permitted to commence and complete a game on a limited payout machine;
 - (ii) single pay-outs allowed from a limited payout machine;
 - (iii) aggregate pay-out in respect of each game played on a limited payout machine;
 - (cb) for technical gambling standards for limited payout machines, including the maximum number of single game cycles over a particular period of time;
 - (cc) for the methods by which a prize won on a limited payout machine may be paid;
 - (cd) for any essential or defining elements of a game played on a limited payout machine;
 - (ce) for the procedures that constitute the start and end of a single game on a limited payout machine;
- (j) in section 165, by adding the following new subsections –
 - (10) Nothing in this Act shall affect the validity of an AWP machine licence issued after 1 January 2011.
 - (11) An AWP machine licence referred to in subsection (10) shall remain valid up to such date as is specified in the licence, or 31 December 2012, whichever is earlier.
 - (12) No AWP machine licence shall be renewed or extended beyond the period specified in subsection (11).

(13) Where any duty and tax outstanding as at 31 December 2011 is paid by a person on or before 30 September 2012, any penalty included therein shall be reduced –

- (a) by 100 per cent, where the penalty is charged under section 32(5)(a) of the repealed Horse Racing Board Act or sections 11(6)(a) and 20(4)(a) of the repealed Gaming Act; or
- (b) by 75 per cent, where the penalty is charged under section 32(5)(b) of the repealed Horse Racing Board Act, sections 11(6)(b) and 20(4)(b) of the repealed Gaming Act or under section 125,

provided that an application for the reduction is made to the Director-General on or before 30 June 2012.

(14) For the purpose of subsection (13), any duty and tax outstanding shall relate to any amount due and payable under an assessment issued or a return submitted on or before 30 June 2006.

(15) (a) Any person may apply to the Director-General on or before 30 June 2012 for a reduction under subsection (13) in respect of tax due under an assessment pending under objection or which is pending before the Assessment Review Committee, Supreme Court or Judicial Committee of the Privy Council.

(b) The Director-General shall grant the reduction pursuant to an application made under paragraph (a), where the applicant has withdrawn his objection, representation or appeal, as the case may be.

(16) Subsections (13) to (15) shall not apply to any person –

- (a) who has been convicted on or after 1 July 2001 of an offence relating to;
- (b) against whom any civil or criminal proceedings are pending or contemplated in relation to an act of; or
- (c) in relation to whom an enquiry is being conducted into an act of,

trafficking of dangerous drugs, arms trafficking, or an offence related to terrorism under the Prevention of Terrorism Act, money laundering under the Financial Intelligence and Anti-Money Laundering Act or corruption under the Prevention of Corruption Act.

8. Income Tax Act amended

The Income Tax Act is amended –

- (a) in section 2 –
 - (i) in the definition of “chargeable income”, by repealing paragraph (c), the word “and” at the end of paragraph (b) being deleted;
 - (ii) in the definition of “company”, in paragraph (b), by inserting, after the words “*société*,” the words “a cell of a protected cell company,”;
 - (iii) by deleting the definition of “CPS threshold”;
 - (iv) in the definition of “dividends”, in paragraph (b), by deleting the words “and 45A(4)” and replacing them by the words “, 45A(4) and 46(4)”;
 - (v) by deleting the definition of “exempt person” and replacing it by the following definition –

“exempt person” means an employee whose emoluments do not exceed 20,800 rupees per month;
 - (vi) by deleting the definition of “gains”;
 - (vii) in the definition of “income tax”, in paragraph (b) –
 - (A) in subparagraph (ia), by deleting the words “on book profit”;
 - (B) by deleting subparagraph (ic);
 - (viii) by inserting, in the appropriate alphabetical order, the following new definition –

“protected cell company” has the same meaning as in the Protected Cell Companies Act;
- (b) in section 6(5) –
 - (i) by inserting, after the words “Financial Services Act”, the words “, or any other company with the approval of the Registrar of Companies,”;
 - (ii) by deleting the words “Euros or GB pound sterling” and replacing them by the words “Euros, GB pounds sterling, Singapore dollars, South African rands, Swiss francs or such other foreign currency as may be approved by the Director-General”;
- (c) in section 10(1), by repealing paragraph (f), and replacing it by the following paragraph –
 - (f) any gross income, in money or money’s worth, derived from the sale of immovable property in the course of any business falling under paragraph (b); and

- (d) by repealing section 10A;
- (e) in Part III, by repealing Sub-part AA;
- (f) in section 27A –
 - (i) in subsection (4) –
 - (A) in paragraph (b), by repealing subparagraph (ii), the word “or” being added at the end of subparagraph (i);
 - (B) by adding the following new paragraph, the full stop at the end of paragraph (b) being deleted and replaced by a semicolon –
 - (c) where the income of the person, or the spouse of the person, as the case may be, exceeds 2 million rupees in an income year.
 - (ii) by adding the following new subsection –
 - (5) For the purposes of subsection (4)(c) –

“income” means the total of the net income and the income in respect of –

 - (a) dividends received from a resident company or co-operative society registered under the Co-operatives Act; and
 - (b) interest –
 - (i) on a savings or fixed deposit account received from a bank or non-bank deposit taking institution under the Banking Act; and
 - (ii) received on Government securities and Bank of Mauritius Bills.
- (g) in section 45A(3), by deleting the words “CIS manager” and replacing them by the word “scheme”;
- (h) in section 46, by adding the following new subsection –
 - (4) Any distribution to a beneficiary of a trust shall be deemed to be a dividend to the beneficiary.

- (i) by inserting, after section 47, the following new sections –

48. Protected cell company

(1) Where a protected cell company has made an election under the Companies Act to present separate financial statements in respect of each of its cells, every cell of that company shall be deemed to be an entity separate from the protected cell company and other cells of the protected cell company and shall be liable to income tax in respect of its own income.

(2) Where a cell of a protected cell company owes income tax under this Act, the Director-General may, for the recovery of the income tax due, have recourse to cellular assets as well as non-cellular assets of the protected cell company.

49. Companies in the freeport zone

(1) Subject to this section, the income of a freeport operator shall be exempt from income tax.

(2) Where a freeport operator is authorised to provide goods and services on the local market –

(a) it shall be liable to income tax on its chargeable income, computed by reference to its income derived from the provision of those goods and services at the rate specified in the First Schedule; but

(b) it shall be exempt from income tax in respect of its income other than income referred to in paragraph (a).

(3) The chargeable income under subsection (2) shall be computed in the manner prescribed under regulation 16 of the Income Tax Regulations 1996.

(4) In this section –

“freeport operator” means a company licensed as such under the Freeport Act.

- (j) in section 50A –

(i) in subsection (1), by inserting, after the words “collective investment schemes,” , the words “cells of a protected cell company,”;

(ii) in subsection (2), by inserting, after the words “collective investment scheme,” , the words “cell of a protected cell company,”;

- (k) in section 50B, by adding the following new subsection –

(4) Notwithstanding subsection (1), a company shall not submit an APS Statement in respect of an APS quarter where in the accounting year immediately preceding the commencement of that APS quarter –

- (a) the company's gross income did not exceed 2 million rupees; or
 - (b) it had no chargeable income.
- (l) in section 50E, by adding the following new subsections –
 - (3) Subject to subsection (4), where the amount of tax payable on the income falling under this Sub-part exceeds the amount of any tax paid in accordance with the APS Statement by more than 35 per cent of the amount of tax payable, the company shall, at the time the return under section 116 is submitted, pay, in addition to the difference referred to in subsection (2), a penalty representing 25 per cent of the amount in excess of the amount representing 35 per cent.
 - (4) The penalty under subsection (3) shall not apply where, in respect of the APS quarter in an income year –
 - (a) the taxpayer has opted to compute his chargeable income in accordance with section 50C(a); or
 - (b) where the amount in excess is solely attributable to income derived in the period immediately following the end of the third APS quarter of the income year.
- (m) in section 50J(2), by deleting the words “and 1 January 2012” and replacing them by the words “, 1 January 2012 and 1 January 2013”;
- (n) in section 50K, by deleting the definition of “book profit”;
- (o) in section 50L –
 - (i) in subsection (1), by deleting the words “2 per cent of its book profit derived during” and replacing them by the words “2 per cent of its chargeable income of”;
 - (ii) in subsection (3), by deleting the figure “6” and replacing it by the figure “9”;
- (p) in section 51, by deleting the words “, (f)”;
- (q) by repealing section 51A;
- (r) in section 60(1), by repealing paragraph (b) and replacing it by the following paragraph –
 - (b) in the case of a bank, the amount of any irrecoverable loan due by –
 - (i) a small and medium enterprise under the Small and Medium Enterprises Development Authority Act 2009; and

- (ii) a company in liquidation in respect of which winding-up procedures have started.
- (s) by repealing section 67A;
- (t) in section 86A, by deleting the words “10(1)(f)” and replacing them by the words “10(1)(g)”;
- (u) in section 93 –
 - (i) by inserting, after subsection (1), the following new subsection –

(1A) The remuneration earned by a director of a company shall, notwithstanding subsection (1), be deemed to have been received by the director in the income year in which such remuneration is charged in the income statement referred to in section 217(1)(b) of the Companies Act, of the company.
 - (ii) by inserting, after subsection (4), the following new subsection –

(4A) (a) Where an employer does not submit the Return of Employees under subsection (4) within the prescribed time, he shall be liable to pay to the Director-General a penalty of 5,000 rupees per month or part of the month, until the time the Return of Employees is submitted to the Director-General, provided that the total penalty payable shall not exceed 20,000 rupees.

(b) Where a penalty is payable under paragraph (a), the Director-General shall make, by registered post, a claim to the employer specifying the amount of penalty payable and the reasons for making such a claim.

(c) Where a claim is made under paragraph (b), the employer shall pay the amount of penalty within 28 days of the date of the claim.

(d) Where an employer is aggrieved by a claim made under paragraph (b), he may, within 28 days of the date of the claim, lodge with the Clerk to the Assessment Review Committee written representations in accordance with section 19 of the Mauritius Revenue Authority Act.
- (v) in section 99A, by repealing subsection (2);
- (w) in section 100(1A), by deleting the figure ‘50’ and replacing it by the figure ‘25’;
- (x) in section 105, by repealing subsection (2) and replacing it by the following subsection –

(2) This Sub-part shall not apply to an individual in respect of gross income derived from the cultivation of sugar cane or the growing of tobacco.

- (y) by repealing section 105A;
- (z) by repealing sections 106 and 107 and replacing them by the following sections –

106. CPS Statement and payment of tax

(1) Every individual who derives gross income falling under this Sub-part and, in respect of the preceding income year, had a chargeable income, shall submit to the Director-General a CPS Statement in such form and manner as may be approved by the Director-General and at the same time pay tax, if any, as follows –

In respect of CPS quarter	Due date for submission of CPS Statement and payment of tax
1 January to 31 March	30 June
1 April to 30 June	30 September
1 July to 30 September	2 days, excluding Saturdays and public holidays, before the end of December

(2) Notwithstanding subsection (1), an individual shall not submit a CPS Statement where –

- (a) in respect of the preceding income year, his gross income falling under this Sub-part did not exceed 2 million rupees; or
- (b) the tax payable on the chargeable income computed in accordance with section 107(1) is of an amount not exceeding 500 rupees.

(3) Where a resident *soci  t  * or the estate of a deceased person derives gross income referred to in section 105, the associate of the *soci  t  * or the beneficiary in the estate, as the case may be, shall include, in his CPS Statement, his share of income from that gross income.

107. Calculation of chargeable income

(1) The chargeable income of an individual in respect of a CPS quarter shall be computed by reference to the chargeable income, the net income and the total net income of the preceding income year as follows –

$$\frac{25}{100} \times \text{Chargeable Income} \times \frac{\text{Net Income falling under CPS}}{\text{Total net income}}$$

(2) Notwithstanding subsection (1), but subject to subsection (3), an individual may opt to compute his chargeable income in respect of a CPS quarter as being the difference between –

- (a) the gross income for that quarter; and
- (b) the sum of –
 - (i) the amount of allowable deductions for that quarter including any allowable loss brought forward from the income year preceding the income year to which the quarter relates or from any previous quarter, as the case may be, that relates to the derivation of the gross income; and
 - (ii) 25 per cent of the income exemption threshold to which the individual is entitled under section 27 in respect of that income year.

(3) Where any income exemption threshold referred to in subsection (2) has been claimed for the purposes of this Sub-part, that income exemption threshold shall not be claimed for the purposes of Sub-part A of Part VIII.

(za) in section 111, by repealing subsection (4) and replacing it by the following subsection –

(4) The penalty under subsection (3) shall not apply where, in respect of the CPS quarter in an income year –

- (a) the taxpayer has opted to compute his chargeable income in accordance with section 107(1); or
- (b) where the amount in excess is solely attributable to income derived in the period immediately following the end of the third CPS quarter of the income year.

(zb) in section 111A(1) –

- (i) by deleting the definitions of “depositor”, “financial institution” and “individual”;
- (ii) in the definition of “interest”, by deleting the words “including deposits with a financial institution”;
- (iii) in the definition of “work”, in paragraph (a), by adding, after the words “works contract”, the words “, and includes mechanical or electrical works”;

(zc) in section 111B –

- (i) by repealing paragraph (a) and replacing it by the following paragraph –
 - (a) interest, other than interest falling under Sub-part B of Part II of the Second Schedule, payable by any person, other than an individual, to a non-resident;
- (ii) by repealing paragraph (c) and replacing it by the following paragraph –
 - (c) rent payable by any person, other than an individual, to any person, except a body of persons specified in Part I of the Second Schedule or a person exempt from income tax by virtue of any other enactment;
- (iii) by deleting the word “and” at the end of paragraph (d);
- (iv) by adding the following new paragraphs, the full stop at the end of paragraph (e) being deleted and replaced by a semicolon –
 - (f) payments to any person, except a body of persons specified in Part I of the Second Schedule or a person exempt from income tax by virtue of any other enactment, made by a Ministry, Government department, local authority, statutory body or the Rodrigues Regional Assembly –
 - (i) for the procurement of goods and services under a single contract, where the payment exceeds 300,000 rupees;
 - (ii) for the procurement of goods under a contract, where the payment exceeds 100,000 rupees; or
 - (iii) for the procurement of services under a contract, where the payment exceeds 30,000 rupees,

other than payments to contractors and sub-contractors referred to in paragraph (d) and payments to providers of services referred to in paragraph (e);
 - (g) payments in respect of rental or other consideration for board and lodging made to the owner of an immovable property or his agent, other than a hotel, except where payments are made to a body of persons specified in Part I of the Second Schedule or a person exempt from income tax by virtue of any other enactment, by –
 - (i) a tour operator or travel agent, other than an individual;

- (ii) an IRS Company or RES Company or a provider of property management services, designated by the IRS Company or RES Company, as the case may be, under the Investment Promotion (Real Estate Development Scheme) Regulations 2007; or
 - (iii) any other agent, other than an individual, carrying on the business of providing services in respect of letting of properties; and
- (h) payments made by any person, other than an individual, to a non-resident for any services rendered in Mauritius, except where the payments are made to a body of persons specified in Part I of the Second Schedule or a person exempt from income tax by virtue of any other enactment or any arrangement for relief from double taxation.
- (zd) in section 111C –
- (i) by repealing subsections (2) and (3);
 - (ii) in subsection (4) –
 - (A) by inserting, after the word “Where”, the words “interest referred to in section 111B(a) and”;
 - (B) by deleting the words “item 2(b) of”;
 - (iii) in subsection (5), by inserting, after the words “from the” and “in respect of the”, the words “interest or”, respectively;
- (ze) by repealing section 111D and replacing it by the following section –

111D. Remittance of tax deducted

A payer who has deducted income tax under section 111C shall remit to the Director-General the income tax so deducted, within 20 days from the end of the month in which the income tax was deducted, electronically or in such other manner as may be approved by the Director-General.

- (zf) in section 111K, by inserting, after subsection (4), the following new subsection –
- (4A) (a) Where a payer does not comply with subsection (1)(a) or (b) or (3) within the prescribed time, he shall be liable to pay to the Director-General a penalty of 5,000 rupees per month or part of the month, until the time the payer complies with that subsection, provided that the total penalty payable shall not exceed 20,000 rupees.
 - (b) Where a penalty is payable under paragraph (a), the Director-General shall make, by registered post, a claim to the payer specifying the amount of penalty payable and the reasons for making such a claim.

(c) Where a claim is made under paragraph (b), the payer shall pay the amount of penalty within 28 days of the date of the claim.

(d) Where a payer is aggrieved by a claim made under paragraph (b), he may, within 28 days of the date of the claim, lodge with the Clerk to the Assessment Review Committee written representations in accordance with section 19 of the Mauritius Revenue Authority Act.

(zg) in section 112 –

(i) in subsection (1) –

(A) in paragraph (a) –

(I) by repealing subparagraphs (ii), (v) and (vi);

(II) in subparagraph (iii), by deleting the figure “365,000” and replacing it by the figure “380,000”;

(B) by deleting the word “or” at the end of paragraph (e);

(C) by inserting, after paragraph (e), the following new paragraph –

(ea) pays the required contributions declared under section 17C of the National Pensions Act to the Director-General; or

(D) by repealing the following subparagraph –

(i) all income including specified exempt income as defined in section 16A;

(ii) by adding the following new subsection –

(4) Where the total income of a person exceeds 2 million rupees, he shall submit his return under subsection (1) electronically through such computer system as may be approved by the Director-General.

(zh) in section 116 –

(i) in subsection (1), by inserting, after the words “non-resident *société*,”, the words “cell of a protected cell company,”;

(ii) in subsection (3), by inserting, after the words “Part VIII”, the words “or is a corporation holding a Category 1 Global Business Licence under the Financial Services Act”;

(zi) by repealing section 116A;

(zj) in section 129(1), by deleting the words “solidarity income tax, where applicable,”;

(zk) by inserting, after section 129, the following new section –

129A. Assessments on employers and payers

(1) Where, in respect of an income year, the Director-General has reason to believe that an employer or a payer has not remitted or paid the appropriate amount of tax under Sub-part A or Sub-part BA of Part VIII, he may claim the amount of tax due by giving the employer or the payer, as the case may be, written notice of assessment.

(2) Where the Director-General has given notice of assessment under subsection (1), the employer or the payer, as the case may be, shall pay the amount of income tax specified in the notice within 28 days of the date of the notice of assessment.

(3) (a) Where an employer or a payer is dissatisfied with a notice of assessment under subsection (1), he may, within 28 days of the date of the notice of assessment, object to the assessment in a form approved by the Director-General and sent to him by registered post.

(b) The provisions of section 131A and 131B shall apply to any objection made under paragraph (a).

(zl) in section 131A(1), by deleting the words “129 or 131” and replacing them by the words “129, 129A or 131”;

(zm) in section 134, by deleting the words “83, 98” and replacing them by the words “83, 93, 98, 111K,”;

(zn) by repealing section 146B;

(zo) in section 154(2A), by inserting, after the word “shall”, the words “, for the purposes of the Statistics Act,”;

(zp) in section 161A –

(i) in subsection (13) –

(A) in paragraphs (a), (b) and (c), by deleting the words “or freeport operator”;

(B) in paragraph (h), by deleting the words “freeport operator” and”;

(ii) after subsection (20), by deleting the following words –

Tax arrears payment incentive scheme (TAPIS)

and replacing them by the following words –

Tax Arrears Settlement Scheme (TASS)

- (iii) by repealing subsections (21) and (22) and replacing them by the following subsections –

(21) (a) Where tax arrears as at 31 December 2011 are paid by a person on or before 30 September 2012, any penalty included therein shall be reduced –

- (i) by 100 per cent where the penalty is charged under sections 101, 109, 110, 111, 121 or 133; and
- (ii) by 75 per cent where the penalty is charged under section 122,

provided that an application for the reduction is made to the Director-General on or before 30 June 2012.

(b) In paragraph (a), “tax arrears” means tax and penalty due and payable under an assessment issued or a return submitted on or before 30 June 2006.

(22) (a) Any person may apply to the Director-General on or before 30 June 2012 for a reduction of penalty under subsection (21) in respect of tax due under an assessment pending under objection or which is pending before the Assessment Review Committee, Supreme Court or Judicial Committee of the Privy Council.

(b) Where an application is made under paragraph (a) and the applicant withdraws his objection, representation or appeal, as the case may be, the Director-General shall grant the reduction.

- (iv) by repealing subsection (23) and replacing it by the following subsection –

(23) Subsections (21) and (22) shall not apply to any person –

- (a) who has been convicted on or after 1 July 2001 of an offence relating to;
- (b) against whom any civil or criminal proceedings are pending or contemplated in relation to an act of; or
- (c) in relation to whom an enquiry is being conducted into an act of,

trafficking of dangerous drugs, arms trafficking, or an offence related to terrorism under the Prevention of Terrorism Act, money laundering under the Financial Intelligence and Anti-Money Laundering Act or corruption under the Prevention of Corruption Act.

- (v) by adding the following new subsections –

Voluntary Disclosure of Income Arrangement (VDIA)

(39) (a) Where, on or before 30 June 2012, a person makes a voluntary disclosure of his undeclared income in respect of any year of assessment preceding the year of assessment ending on 31 December 2012, he shall, at the same time, pay tax on that income at the rate of 15 per cent of his chargeable income, free from any penalty and interest that may have become due in accordance with this Act.

(b) The disclosure under paragraph (a) shall be made in such form and manner and under such conditions as may be determined by the Director-General.

(c) Any undeclared income disclosed under paragraph (a) shall be deemed to have been derived in respect of the year of assessment ending on 31 December 2011.

(40) Where a person who has been assessed to tax in respect of a year of assessment –

- (a) has objected to the assessment under section 131A;
- (b) has lodged a representation with the Clerk to the Assessment Review Committee; or
- (c) has made an appeal to the Supreme Court or to the Judicial Committee of the Privy Council,

and the objection, representation or appeal is pending as at 31 December 2011, he may apply to the Director-General for the income assessed to be considered as a voluntary disclosure of his undeclared income under subsection (39).

(41) Where a person who has made an application under subsection (40) withdraws his objection, representation or appeal, as the case may be, his tax liability in respect of the income assessed shall be re-computed as provided under subsection (39).

(42) Where the tax under subsection (39) is not paid in full on or before 30 June 2012, any unpaid tax shall carry interest at the rate of one per cent per month.

(43) Where a person makes a voluntary disclosure of his undeclared income under subsection (39) and the Director-General is satisfied with such disclosure, that person shall be deemed, notwithstanding sections 146, 146B, 147, 148 and 149, not to have committed an offence.

- (44) Subsections (39) to (43) shall not apply to any person –
- (a) who has been convicted on or after 1 July 2001 of an offence relating to;
 - (b) against whom any civil or criminal proceedings are pending or contemplated in relation to an act of; or
 - (c) in relation to whom an enquiry is being conducted into an act of,

trafficking of dangerous drugs, arms trafficking, or an offence related to terrorism under the Prevention of Terrorism Act, money laundering under the Financial Intelligence and Anti-Money Laundering Act or corruption under the Prevention of Corruption Act.

Registration of construction of housing estates

(45) For the purposes of benefiting from exemption of registration duty and land transfer tax under section 27 of the Registration Duty Act and section 45A(9) of the Land (Duties and Taxes) Act –

- (a) on the transfer to a company of a plot of freehold land during the period 1 January 2012 to 31 December 2013 for the construction of any housing estate thereon for sale; or
- (b) on transfer, not later than 30 June 2015, by the company of a plot of land together with a housing unit or by way of a *vente en l'état futur d'achèvement* under article 1601-3 of the Code Civil Mauricien, the construction of which has started on or after 1 January 2012,

that company may, subject to subsections (47) and (48), register with the Director-General during the period from 1 January 2012 to 31 December 2013 for such construction of housing estates.

(46) Registration under subsection (45) shall be subject to the conditions that –

- (a) the company is a company incorporated or registered under the Companies Act;
- (b) the company submits at the time of registration –
 - (i) a brief on the nature of its business;

- (ii) the site plan, location plan, extent and transcription volume number of the land;
 - (iii) the pre-sale agreement in respect of the land, if any;
 - (iv) a business plan, including project components and description, total investment, estimated total costs of construction and implementation schedule; and
 - (v) the Outline Planning Permission (OPP) from the relevant local authority;
- (c) the housing estate comprises at least 5 residential units, the construction of which shall be completed not later than 31 December 2014; and
- (d) the sale value of a residential unit shall not exceed 2.5 million rupees.

(47) Where a company is registered with the Director-General under subsection (45), the Director-General shall issue to the company a certificate of registration on such terms and conditions, and in such form and manner, as he may determine.

(48) For the purposes of monitoring the construction of the housing estate by the Director-General, the company registered under subsection (45) shall notify the Director-General in writing of the date on which the construction has started and the date the construction of the housing estate is completed.

Notification to Registrar-General

(49) The Director-General shall, notwithstanding section 154, give written notice to the Registrar-General that a company has satisfied or has failed to satisfy the condition specified in subsection (46).

(zq) by repealing the First Schedule and replacing it by the following Schedule –

FIRST SCHEDULE

[Section 4]

Rate of income tax

15 per cent

- (zr) in the Second Schedule, in Part II –
- (i) in Sub-part B, by deleting item 2 and replacing it by the following item –
 - 2. Dividends or other distributions paid by a company holding a Global Business Licence under the Financial Services Act to another company holding a Global Business Licence under the Financial Services Act.
 - (ii) in Sub-part C –
 - (A) by deleting item 5;
 - (B) by deleting items 18 to 20 and replacing them by the following items –
 - 18. Gains derived by a planter, miller or service provider from the sale of land, provided that the proceeds are used exclusively for the implementation of the Voluntary Retirement Scheme under the Sugar Industry Efficiency Act or used exclusively by a miller in compliance with the conditions imposed under section 24 of the Cane Planters and Millers Arbitration and Control Board Act, as the case may be.
 - 19. Gains derived by any person from the sale of land previously acquired by him from a planter implementing the Voluntary Retirement Scheme under the Sugar Industry Efficiency Act.
 - 20. Gains derived from the sale of land converted pursuant to section 29(1)(c)(ii)(B), or (f) of the Sugar Industry Efficiency Act, provided that the proceeds are used exclusively for the implementation of the schemes specified in that section.
 - (C) by deleting items 21 to 24;
- (zs) in the Third Schedule –
- (i) by deleting the figures “255,000”, “365,000”, “425,000”, “465,000”, “305,000” and “415,000” and replacing them by the figures “270,000”, “380,000”, “440,000”, “480,000”, “320,000” and “430,000”, respectively;
 - (ii) in paragraph (x), by repealing subparagraph (B) and replacing it by the following subparagraph –
 - (B) where the income referred to in section 27A(5) of the person, or the spouse of the person, as the case may be, exceeds 2 million rupees in an income year;
- (zt) by repealing the Fourth Schedule;

(zu) by repealing the Fifth Schedule and replacing it by the following Schedule –

FIFTH SCHEDULE
[Section 111B(e)]

Services other than services provided by a non-resident

Architect

Attorney/Solicitor

Barrister

Dentist

Doctor

Engineer

Land surveyor

Legal consultant

Project manager in the construction industry

Property valuer

Quantity surveyor

(zv) by repealing the Sixth Schedule and replacing it by the following Schedule –

SIXTH SCHEDULE

[Section 111C]

DEDUCTION OF TAX AT SOURCE

	Amount or sum made available to the payee by way of -	Rate of tax (%)
1.	Interest payable to a non-resident	10
2.	Royalties payable to –	
	(a) a resident	10
	(b) a non-resident	15
3.	Rent	5
4.	Payments to contractors and sub-contractors	0.75
5.	Payments to providers of services as specified in the Fifth Schedule	3
6.	Payment made by Ministry, Government department, local authority, statutory body or the Rodrigues Regional Assembly on contracts, other than payments to contractors and sub-contractors and payments to providers of services specified in the Fifth Schedule –	
	(a) for the procurement of goods and services under a single contract, where the payment exceeds 300,000 rupees;	1
	(b) for the procurement of goods under a contract, where the payment exceeds 100,000 rupees; or	1
	(c) for the procurement of services under a contract, where the payment exceeds 30,000 rupees.	3
7.	Payments made to the owner of an immovable property or his agent pursuant to section 111B(g)	5
8.	Payments made to a non-resident for any services rendered in Mauritius pursuant to section 111B(h)	10

9. Land (Duties and Taxes) Act amended

The Land (Duties and Taxes) Act is amended, in section 45A, by adding the following new subsections –

- (9) Notwithstanding this Act or any other enactment, a deed witnessing –
- (a) the transfer of a portion of freehold land during the period from 1 January 2012 to 31 December 2013, to a company registered under section 161A(46) of the Income Tax Act, for the construction of a housing estate thereon of at least 5 residential units, shall be exempted from payment of land transfer tax under this Act;
 - (b) the transfer or *vente en état futur d'achèvement (VEFA)* by a company under paragraph (a), of a housing unit forming part of a housing estate referred to in paragraph (a), the construction of which has started on or after 1 January 2012 and the value of which does not exceed 2.5 million rupees, shall be exempted from payment of land transfer tax under this Act, provided the transfer is made on or before 31 December 2015.

(10) Where the Registrar-General is notified, under section 161A(47) of the Income Tax Act, that the company referred to in subsection (9)(a), has failed to comply with the conditions specified in section 161A(46) of the Income Tax Act, he shall, by written notice sent by registered post, claim the tax referred to in subsection(9)(b), together with a penalty of 20 per cent of the amount of tax exempted.

10. Local Government Act amended

The Local Government Act is amended –

- (a) by inserting, after section 76, the following new sections –

76A. Director-General to collect and enforce payment of general rate

(1) In this section and in sections 76B to 76D, “Director-General” has the same meaning as in the Mauritius Revenue Authority Act.

(2) Notwithstanding section 76 and subject to this section, a Council may make a written request to the Director-General for the collection and enforcement on its behalf of general rate due to the Council.

(3) Where a written request is made under subsection (2), the Director-General shall exercise the powers conferred on him by the Mauritius Revenue Authority Act and the Income Tax Act, with such modifications, adaptations and exceptions as may be necessary to enable him to comply with the request.

(4) Notwithstanding subsection (2), every claim for general rate shall continue to be made by the Council.

(5) A request under subsection (1) shall specify the financial year, or the 6 month-period of the financial year, as may be mutually agreed between the Council and the Director-General, in respect of which the general rate is to be collected and enforced by the Director-General.

76B. List of claims to be forwarded

(1) A Council which has made a request under section 76A shall, one month before the beginning of every financial year, forward to the Director-General, in electronic or such other form as may be mutually agreed, a list specifying, in respect of the coming financial year –

- (a) the amount of general rate due and payable in respect of every immovable property;
- (b) the address of each immovable property;
- (c) the full name and address of the owner and occupier of the immovable property; and
- (d) such other information or particulars as may be required by the Director-General.

(2) The Council shall, not later than 15 days after the end of every month in a financial year, forward to the Director-General, in electronic or such other form, a list of the claims made during that month for the payment of general rate.

(3) The Council shall, 2 months after the end of a financial year, and of the first 6 months of a financial year, forward to the Director-General, in electronic or such other form, a list of the claims that have remained unpaid, specifying, in respect of each immovable property –

- (a) the amount of general rate and surcharge remaining unpaid and the period covered;
- (b) the address of the immovable property;
- (c) the full name and address of the owner and occupier of the immovable property; and
- (d) such other information or particulars as may be required by the Director-General.

76C. Enforcement

Part XI and section 148 of the Income Tax Act shall apply to the general rate and surcharge with such modifications, adaptations and exceptions as may be necessary to enable the Director-General to comply with a request under section 76A.

76D. Director-General to remit amount collected

(1) (a) Notwithstanding section 3(3) of the Mauritius Revenue Authority Act, any general rate, including surcharge, collected on behalf of a Council by the Director-General under sections 76A(2) and 76C shall, subject to paragraph (b), be remitted by the Director-General to that Council, not later than 10 days after the end of every month.

(b) The Director-General shall, at the end of every financial year, retain from the amount referred to in paragraph (a) such administration fee as may be prescribed by regulations made by the Minister to whom responsibility for the subject of finance is assigned.

(2) The Director-General shall, for the purposes of subsection (1) keep appropriate records to ascertain, in respect of every financial year and for each Council –

- (a) the amount of general rate, including surcharge, claimed by the Council from every owner or occupier of an immovable property;
- (b) the amount of general rate, including surcharge, paid by every owner or occupier of an immovable property;
- (c) the amount of general rate, including surcharge, remitted by the Director-General to the Council;
- (d) the amount of administration fee retained by the Director-General; and
- (e) the amount unpaid by every owner or occupier of the immovable property, as at the end of the financial year.

(3) The information kept under subsection (2) shall be forwarded by the Director-General to the Council not later than 2 months after the end of every financial year.

(b) by repealing sections 94 to 98;

(c) in section 99, by deleting the figure “98” and replacing it by the figure “93”.

11. Mauritius Revenue Authority Act amended

The Mauritius Revenue Authority Act is amended –

(a) in section 11(4), by repealing the following subparagraphs –

- (i) officers of the management team shall constitute the majority of the members of the committee; and

- (ii) the Committee shall comprise at least one member of the Board.

and replacing them by the following subparagraphs –

- (A) officers of the management team shall constitute a majority of the members of the committee; and
- (B) the Committee shall, in the case of vacancies in the 2 grades below the grade of Director-General, comprise at least the Director-General or another member of the Board.

- (b) in section 28, by adding the following new subsection –

(14) (a) Any person who has been assessed to tax in any period prior to 1 January 2011 under section 129 of the Income Tax Act, section 37 of the Value Added Tax Act or section 119 of the Gambling Regulatory Authority Act but is not satisfied with the assessment may, subject to this subsection, apply in writing to the Director-General for a review of the assessment, setting out the grounds of his dissatisfaction.

(b) The Director-General may establish a panel of at least 3 officers of the Authority to deal with any application under paragraph (a).

(c) The Director-General shall, within 15 days of receipt of an application under paragraph (a), inform the taxpayer whether the application for review has been referred to the panel.

(d) (i) The Director-General shall not refer an application under paragraph (a) to a panel unless the person applying for the review has voluntarily made a sworn statement, in such form as may be prescribed, that he has waived his right to initiate any proceedings before any Court in Mauritius in respect of any decision of the Director-General pursuant to the determination of the panel.

(ii) A waiver referred to in subparagraph (i) shall constitute a bar to subsequent proceedings being initiated by the applicant before any Court in Mauritius in respect of the decision of the Director-General.

(e) (i) Subject to subparagraph (ii), where an application under paragraph (a) is referred to the panel under paragraph (c), the panel shall review the assessment and may, by notice, require the taxpayer to produce any information or particulars relevant for the review, within such time specified in the notice.

(ii) The panel shall make a determination within 3 months from the date on which the application for review was referred to it pursuant to paragraph (c).

(f) The panel shall not review an assessment –

- (i) where the application for review is received by the Director-General after 30 June 2012;

- (ii) which was raised after 31 December 2010;
- (iii) where no tax is outstanding under the assessment as at 31 December 2011;
- (iv) where the taxpayer had agreed to the tax claimed under the assessment; or
- (v) which has already been reviewed on objection under the Income Tax Act, the Value Added Tax Act or the Gambling Regulatory Authority Act or after a representation to the Assessment Review Committee.

(g) The Director-General may amend or maintain the assessment to conform with the determination of the panel under paragraph (e)(ii).

(h) Where there is agreement between the Director-General and the taxpayer on the amount of tax payable, the agreement shall include the terms and conditions for the settlement of the tax liability.

- (c) in the First Schedule, under the sub-heading “Acts”, by inserting, in the appropriate alphabetical order, the following new items –

Advertisements Regulation Act in so far as it relates to advertising structure fee under sections 4 to 12

Local Government Act in so far as it relates to collection and enforcement of general rate under sections 76A to 76D

National Pensions Act in so far as it relates to collection and enforcement of contributions under sections 17C to 17F

12. National Pensions Act amended

The National Pensions Act is amended –

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

“agricultural worker” means –

- (a) a field worker grade I or a field labourer grade II as defined in the Field-crop and Orchard Workers (Remuneration Order) Regulations 2008;
- (b) a field worker (male/female), a gardener or a young person as defined in the Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations 1983; or
- (c) a field labourer (female) or a field labourer (male) as defined in the Tea Industry Workers (Remuneration Order) Regulations 1984;

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

- (b) in section 4, by inserting, after subsection (1), the following new subsections –

(1A) Subject to subsections (1B) and (2) and section 10, a person whose spouse has disappeared at sea or is missing shall be qualified to receive a widow’s basic pension as long as –

- (a) she is under the age of 60;
- (b) she has not contracted a subsequent civil or religious marriage; and
- (c) the spouse remains untraceable.

(1B) In the case of a person referred to in subsection (1A), that person shall become eligible to the pension after the expiry of 3 months from the date on which the case of disappearance or missing person, as the case may be, was reported to the police.

- (c) in section 17 –

- (i) in subsection (1), by deleting the words “section 17A” and replacing them by the words “sections 17A to 17E”;
- (ii) by inserting, after subsection (2), the following new subsections –

(2A) Notwithstanding subsections (1), (2) and (3), where an insured person –

- (a) in the domestic service of an employer; or
- (b) being an agricultural worker in the service of an employer who is an individual,

earns remuneration which does not exceed 3,000 rupees, in the aggregate, during any period in a month, from that employer or concurrently from that employer and any other employer –

- (i) no deduction from the remuneration of the insured person shall be made by the employer; and
- (ii) Government shall pay the contribution of the insured person into the Fund.

(2B) Where an insured person referred to in subsection (2A) is employed by more than one employer and earns remuneration which exceeds 3,000 rupees, in the aggregate, in a month –

- (a) the insured person shall inform the employer from whom he receives less than 3,000 rupees in a month, accordingly; and
 - (b) that employer shall deduct the relevant contribution from the remuneration of the insured person.
- (d) by inserting, after section 17B, the following new sections –

17C. Employer may pay contributions to Director-General

(1) (a) Subject to this section, an employer who is an individual and who employs an insured person who –

- (i) is in the domestic service; or
- (ii) is an agricultural worker,

may declare in his annual return of income under section 112 of the Income Tax Act, his contributions due under this Act, the National Savings Fund Act and the Human Resource Development Act and pay such contributions at the time the annual return of income is required to be submitted to the Director-General.

(b) Where a declaration is made in accordance with subsection (1), the employer shall continue, in respect of every subsequent financial year, to declare and pay his contributions in accordance with paragraph (a).

(c) In respect of the period from 1 January to 31 December 2011, every employer referred to in paragraph (a) who is not registered as an employer under this Act and who has not paid his contributions to the Minister, may declare in his annual return of income for the income year 2011 under section 112 of the Income Tax Act, his contributions for that period and pay such contributions in accordance with paragraph (a).

(d) Any payment of contributions under paragraph (c) shall not be subject to any surcharge for late payment or late submission of return under this Act.

17D. Enforcement

Part XI and section 148 of the Income Tax Act shall apply to the collection of contributions under section 17C, with such modifications, adaptations and exceptions as may be necessary to enable the Director-General to comply with section 17C.

17E. Director-General to remit the amount of contribution paid

(1) (a) Notwithstanding section 3(3) of the Mauritius Revenue Authority Act, any contribution, including surcharge, collected by the Director-General under section 17C shall, subject to paragraph (b), be remitted to the Minister, not later than 10 days after the end of the month in which the payment is made to the Director-General.

(b) The Director-General shall retain, from the amount referred to in paragraph (a), such administration fee as may be prescribed by regulations made by the Minister to whom responsibility for the subject of finance is assigned.

(2) The Director-General shall, for the purposes of subsection (1), keep appropriate records to ascertain, in respect of every financial year –

- (a) the amount of contribution, including surcharge, collected from every employer in respect of every insured person;
- (b) the amount of contribution, including surcharge, remitted by the Director-General to the Minister, in respect of every employer and every insured person;
- (c) the amount of administration fee retained by the Director-General; and
- (d) the amount of contribution, including surcharge, unpaid by every employer, as at the end of the financial year.

(3) The information kept under subsection (2) shall be forwarded by the Director-General to the Minister not later than 2 months after the collection of the contributions, including surcharge, under section 17C.

(e) in section 20(2) –

(i) in paragraph (a), by deleting the words “shall in no case be less than the amount specified in the Second Schedule” and replacing them by the words “shall not be less than the amount specified in the Second Schedule, provided that the claimant became an insured person before 1 January 2012”;

(ii) by inserting, after paragraph (a), the following new paragraphs –

(aa) Where the claimant becomes an insured person, for the first time on or after 1 January 2012, the pension shall be calculated in accordance with the Third Schedule and shall not be less than the amount specified in the Second Schedule, provided the insured person has earned not less than 150 pension points at the end of the relevant financial year of his date of claim.

(ab) Where the number of pension points of an insured person referred to in paragraph (aa) is less than 150 at the end of the relevant financial year of the date of his claim, which shall, in no case, be before his retirement age, the insured person shall not be entitled to a contributory retirement pension but shall be eligible to a lump sum payment under section 23A(1A).

- (f) in section 22 –
- (i) in subsection (1), by deleting the words “Subject to” and replacing them by the words “Notwithstanding section 20(2)(aa) and subject to”;
 - (ii) in subsection (3) –
 - (A) by deleting the words “The contributory pension” and replacing them by the words “Notwithstanding section 20(2) but subject to section 23A(2A), the contributory pension”;
 - (B) in paragraph (a), by deleting the words “provided that such amount shall not be less than the amount specified in the Second Schedule”;
- (g) in section 23 –
- (i) in subsection (1), by inserting, after the word “shall”, the words “, subject to section 23A(2A),”;
 - (ii) in subsection (2)(a), by deleting the words “Subject to” and replacing them by the words “Notwithstanding section 20(2) but subject to section 23A(2A) and”;
- (h) in section 23A –
- (i) by inserting, after subsection (1), the following new subsection –

(1A) Where an insured person referred to in section 20(2)(aa) has earned less than 150 pension points at the end of the relevant financial year of the date in which he claims the pension, he shall be eligible to a refund of the contributions made on his account up to the end of the month in which eligibility arises, together with accrued interest referred to in subsection (1), provided that the contributions have never been used for the payment of a contributory pension.
 - (ii) by inserting, after subsection (2), the following new subsection –

(2A) Where a lump sum is paid to an insured person under subsection (1A), any contribution paid thereafter, in respect of that insured person shall –

 - (a) not be used for the purpose of computing any contributory pension payable under Part IV; but

- (b) be refunded, together with accrued interest referred to in subsection (1) –
 - (i) to the insured person when he ceases to work or reaches final retirement age, whichever is the earlier;
 - (ii) in case of death of the insured person, to the surviving spouse of the insured person; or
 - (iii) in the absence of a surviving spouse, to the other legal personal representative of the deceased insured person.
- (i) by repealing the First Schedule and replacing it by the First Schedule set out in the Fourth Schedule to this Act.
- (j) in the Third Schedule, in paragraph 1, by deleting the definition of “financial year” and replacing it by the following definition –

“financial year” means the period of 12 months ending on 31 December in any year;

13. National Savings Fund Act amended

The National Savings Fund Act is amended –

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

“financial year” means the period of 12 months ending on 31 December in any year;
- (b) in section 5 –
 - (i) in subsection (2), by deleting the words “item 2” and replacing them by the words “item 2(a) and (c)”;
 - (ii) by adding the following new subsection –
 - (3) Notwithstanding subsection (2), where an employee who is an insured person in the service of an employer referred to in section 17(2A) of the National Pensions Act, earns remuneration which does not exceed 3,000 rupees, in the aggregate, during any period in a month, from that employer or concurrently from that employer and any other employer –
 - (a) no deduction from the remuneration of the employee shall be made by the employer; and
 - (b) Government shall pay the contribution of the employee into the National Pensions Fund.

(c) in section 5B(2), by inserting, after paragraph (a), the following new paragraph –

(aa) the amount of contribution to be paid as premium under such health insurance policy as is specified by an employee under section 5F;

(d) by inserting, after section 5E, the following new section –

5F. Payment of contribution to health insurance scheme

(1) Subject to subsection (2) and to the availability of funds, the Minister shall, at the request made by an employee in a form approved by the Minister, pay part or whole of the monthly contributions made in respect of the employee under section 5B(1)(a) from the Fund as premium under such health insurance policy as may have been subscribed to by the employee.

(2) (a) No payment shall be made under subsection (1) unless contributions have been made into the Fund in respect of the employee, for at least 6 months preceding the request for the transfer.

(b) The amount transferred from the Fund for any month shall be the amount paid, in respect of the employee, in the preceding sixth month.

(c) Paragraph (a) shall apply to contributions made as from 1 January 2012.

(e) in section 13, by adding the following new subsection, the existing provision being numbered (1) –

(2) No liability, civil or criminal, shall lie against the Minister in respect of a payment which is not effected under section 5F by reason of unavailability of funds.

(f) by repealing the First Schedule and replacing it by the First Schedule set out in the Fifth Schedule to this Act.

14. Pensions Act amended

The Pensions Act is amended –

(a) in section 2 –

(i) in the definition of “salary”, by deleting the full stop and replacing it by a semicolon;

(ii) by inserting, in the appropriate alphabetical order, the following new definitions –

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“personal pension scheme” means a personal pension scheme approved by the Director-General under the Income Tax Act;

“superannuation fund” has the same meaning as in the Income Tax Act.

- (b) by inserting, after section 6B, the following new section –

6C. Portable pension to officers leaving public service

- (1) Where an officer –
- (a) has completed one year’s pensionable service;
 - (b) leaves the public service to take up other employment, or be self-employed, in Mauritius; and
 - (c) is not, at the time of leaving the public service, entitled to a pension, gratuity or other allowance under this Act,

his portable benefits shall be transferred to any superannuation fund operated by his new employer or to any personal pension scheme which he has joined, as the case may be.

- (2) The portable benefits referred to in subsection (1) shall be computed in such manner as may be prescribed.

15. Registration Duty Act amended

The Registration Duty Act is amended –

- (a) in section 3 –
- (i) in subsection (1)(b), by deleting the words “Part V” and replacing them by the words “Part I”;
 - (ii) in subsection (2)(b), by deleting the figure “10” and replacing it by the figure “5”;
- (b) in section 27 –
- (i) by inserting, after subsection (2), the following new subsection –
 - (2A) (a) Notwithstanding this Act or any other enactment, a deed witnessing the purchase of a portion of freehold land by a company, during the period from 1 January 2012 to 31 December 2013, under the construction project of housing estates registered under section 161A(46) of the Income Tax Act for the construction of at least 5 residential units, shall be exempted from registration duty under this Act.

(b) Where the Registrar-General is notified, under section 161(47) of the Income Tax Act, that the company referred to in paragraph (a) has failed to comply with the conditions specified in section 161A(46) of that Act, he shall, by written notice sent by registered post, claim the registration duty, together with a penalty of 20 per cent of the amount of duty exempted, from the said company.

(c) Where land planned to be used for the construction project of a housing estate registered under section 161A(46) of the Income Tax Act is not fully utilised, the Registrar-General shall claim the duty exempted under paragraph (a) in relation to that part of the unutilised land in the same manner as specified in paragraph (b), together with a penalty equal to 20 per cent of the amount of duty exempted.

(ii) by inserting, after subsection (5), the following new subsection –

(5A) (a) Notwithstanding this Act or any other enactment, but subject to paragraph (b), any deed of transfer registered on or before 31 December 2015, witnessing the transfer or *vente en état futur d'achèvement (VEFA)* to an individual of 18 years of age or over, of a housing unit –

- (i) the value of which does not exceed 2.5 million rupees; and
- (ii) forming part of the construction project of housing estates, the construction of which has started on or after 1 January 2012, and registered under section 161A(46) of the Income Tax Act,

shall be exempted from payment of registration duty under this Act.

(b) A transferee shall qualify for the exemption under paragraph (a), provided that –

- (i) the transfer is in relation to the construction project of at least 5 residential units;
- (ii) he or his spouse has not already benefitted from any reduction under subsection (3) or this subsection;
- (iii) he or his spouse is, or was, not the sole owner of any immovable property;
- (iv) where he or his spouse is, or was, the co-owner of any immovable property, the immovable property was acquired by inheritance and is, or was, not of an extent exceeding 422 square metres;

- (v) the total income of the transferee and his spouse, in the income year in which the transfer is made, does not exceed, in the aggregate, 2 million rupees;
 - (vi) he is a citizen of Mauritius; and
 - (vii) the transfer is not in respect of an immovable property, or any part thereof, acquired under the Investment Promotion (Real Estate Development Scheme) Regulations 2007.
- (iii) in subsection (6), by deleting the words “subsection (5)(a)” and replacing them by the words “subsection (5A)”;
- (c) in the First Schedule –
- (i) in Part I, paragraph I, item 1, by inserting, after the word “transferred”, the words “either without consideration or”;
 - (ii) in Part I, paragraph J, item 1, by inserting, after the word “transferred”, the words “either without consideration or”;
 - (iii) by repealing Part V.

16. State Lands Act amended

The State Lands Act is amended, in the Second Schedule, in Part II, by deleting the table and replacing it by the following table –

Zone	ANNUAL RENTAL PER ARPENT (Rs)		
	Lease granted under section 6(1C) pursuant to section 6(1E)	New lease granted under section 6(1C)	New lease granted under section 6(1C) following letter of intent issued on or after 5 November 2011
A	600,000	800,000	1,100,000
B	480,000	640,000	820,000
C	420,000	560,000	680,000
D	360,000	480,000	540,000
E	300,000	400,000	425,000

17. Sugar Industry Efficiency Act amended

The Sugar Industry Efficiency Act is amended –

(a) in section 28 –

(i) by inserting, after subsection (1), the following new subsection –

(1A) (a) Payment of the land conversion tax payable under subsection (1)(b) may be effected in 4 consecutive equal 6-monthly instalments, provided that, at the time the written authority of the Minister under subsection (1)(a) is granted –

(i) the first instalment is made; and

(ii) (A) a bank guarantee for the remaining 5 instalments is furnished to the Registrar-General; or

(B) a written request from the owner of the land, authorising the Receiver of Registration Dues under the Registration Duty Act to inscribe a privilege on his land for the remaining 5 other instalments, is produced.

(b) Where a written request is made under paragraph (a)(ii)(B), the Receiver of Registration Dues shall inscribe a privilege on the land referred to in the request.

(c) Where payment of the land conversion tax is effected by instalments referred to in paragraph (a), it shall carry interest at 3 per cent per annum above the repo rate.

(ii) in subsection (4F)(a)(iii) –

(A) by inserting, after the word “conversion”, the words “at the existing site for another purpose or”;

(B) by inserting, after the words “subsection (3)”, the words “at the existing site for the new purpose or”;

(b) in section 29(1)(a), by adding the following new subparagraph –

(xvi) the construction of social housing where the construction is carried out by a housing development trust, or any other non-profit vehicle, registered with the committee set up under section 50L(3) of the Income Tax Act;

18. Transcription and Mortgage Act amended

The Transcription and Mortgage Act is amended –

- (a) in section 3 –
 - (i) by deleting the word “and” at the end of paragraph (k);
 - (ii) by adding the following new paragraph, the full stop at the end of paragraph (l) being deleted and replaced by the words “; and” –
 - (m) any deed or document witnessing the transfer or lease by way of *crédit bail* under article 1831 of the Code Civil Mauricien of movable and immovable property in such form and manner as may be prescribed.
- (b) in sections 11(1) and (3), 13(3) and 61(1), by deleting the figure “10” and replacing it by the figure “40”.

19. Value Added Tax Act amended

The Value Added Tax Act is amended –

- (a) in section 2, by inserting, in the appropriate alphabetical order, the following new definitions –
 - “private company” has the same meaning as in the Companies Act;
 - “VAT Exemption Card” means a card issued under section 66(1A);
- (b) in section 20 –
 - (i) in subsection (1), by deleting the words “to another registered person” and replacing them by the words “to any person”;
 - (ii) in subsection (2), by repealing paragraphs (e), (f) and (g) and replacing them by the following paragraphs –
 - (e) the value of the supply, indicating whether the value is inclusive or exclusive of VAT;
 - (f) where the value of the supply is exclusive of VAT, the amount of VAT chargeable and the rate applied;
 - (g) where the purchaser is a registered person, the name, business address, business registration number and the VAT Registration Number of the purchaser.

(c) in section 21 –

(i) by repealing subsection (7) and replacing it by the following subsection –

(7) (a) Where, in respect of a building (including extension and renovation) forming part of the fixed assets of a registered person, a credit for input tax has been taken, and before the end of the nineteenth year following the year in which it was acquired –

- (i) that building is sold;
- (ii) the person transfers his business or ceases to carry on business; or
- (iii) the Director-General is satisfied that the person should cease to be registered under the Act,

the registered person shall, subject to subsection (7A), be liable to pay back to the Director-General, in respect of the remaining portion of that period, the proportionate amount of the credit allowed.

(b) The registered person shall treat the proportionate amount referred to in paragraph (a) as output tax in his return for the taxable period in which –

- (i) the building is sold;
- (ii) he transfers his business or ceases to carry on business; or
- (iii) his registration as a registered person is cancelled pursuant to paragraph (a)(iii),

whichever is the earliest.

(ii) by inserting, after subsection (7), the following new subsection –

(7A) Subsection (7) shall not apply where a business is transferred as a going concern and involves a transfer of immovable property.

(d) in section 22 –

(i) in subsection (1), by inserting, after paragraph (e), the following new paragraph, the word “and” at the end of paragraph (e) being deleted –

(ea) the amount of levy under section 53J; and

(ii) by inserting, after subsection (1B), the following new subsection –

(1C) Where a registered person submits his return electronically, he shall also submit electronically a summary of the value of supplies made to any person, other than a final consumer, in such format as may be determined by the Director-General.

(e) in section 36(1) –

(i) by deleting the following words –

“Where, in respect of a taxable period, a registered person –

- (a) fails to submit a return under section 22 or fails to pay the tax payable under that section on or before the last day on which the return is required to be submitted and payment of tax made; and
- (b) the Director-General is of the opinion that tax ought to have been paid by the registered person for that taxable period,”

and replacing them by the following words –

“Where, in respect of a taxable period –

- (a) a registered person fails to submit a return under section 22 or fails to pay the tax payable under that section on or before the last day on which the return is required to be submitted and payment of tax made; and
 - (b) the Director-General is of the opinion that tax ought to have been paid by the registered person for that taxable period; or
 - (c) a taxable person fails to pay any amount of tax assessed or claimed under this Act,”
- (ii) by deleting the words “the requirement of that section” and replacing them by the words “this Act”;

(f) by inserting, after Part XA, the following new Part –

PART XB – LEVY ON MESSAGES

53I. Interpretation

In this Part –

“levy” –

- (a) means the levy referred to in section 53J; and
- (b) includes any penalty and interest imposed under this Act;

“message” means a message sent through MMS or SMS;

“MMS” or “Multimedia Messaging Service” means a system that enables the transmission of –

- (a) visual communication, voice communication or electronic mail; or
- (b) a picture or an animation rich message, including Zlango or other icons,

from a fixed or mobile telephone to –

- (i) another fixed or mobile telephone; or
- (ii) an electronic mail address;

“operator” –

- (a) means a provider of public fixed or mobile telecommunication networks and services; and
- (b) includes a provider of information and communication services such as value added services and mobile internet; but
- (c) does not include a provider engaged exclusively in the provision of internet services or internet telephony services or international long distance services as referred to in the Information and Communication Technologies Act;

“SMS” or “Short Messaging Service” means a system that enables the transmission of short text messages from a fixed or mobile telephone to another fixed or mobile telephone.

53J. Liability to levy

(1) Subject to subsection (2), every operator shall be liable to pay to the Director-General a levy on the total number of messages it sends during a taxable period, at the rate specified in Part III of the Eleventh Schedule.

(2) In calculating the total number of messages for the purpose of subsection (1), every message which is not originally sent by the operator shall not be taken into account.

(3) A message is considered not to be originally sent by an operator where –

- (a) the transmission of the message was initiated by another operator; and
- (b) the operator referred to in subsection (2) merely delivers the message to the recipient, whether or not the message is actually received.

53K. Payment of levy

Every operator shall, after the end of every taxable period, within such time as may be prescribed, pay to the Director-General the levy in respect of that taxable period, in such form and manner as may be determined by the Director-General.

53L. Late payment of levy

Where the operator fails to pay the levy on or before the last day on which it is payable under section 53K, it shall be liable to pay to the Director-General, in addition to the levy –

- (a) a penalty of 5 per cent of the levy; and
- (b) interest on the levy, excluding the penalty under paragraph (a), at the rate of one per cent per month or part of the month during which the levy remains unpaid.

53M. Assessment and recovery of levy

The provisions of Parts V to IX and XI and sections 67 to 71 shall apply to the levy with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Part.

- (g) in section 63 –
 - (i) in subsection (3), by deleting the words “as required under subsection (2)(a)” and replacing them by the words “on the sale or transfer”;
 - (ii) by adding the following new subsection –
 - (4) Where a registered person acquires from another registered person, in the course of a transfer of business as a going concern, immovable property in respect of which credit for input tax claimed on its acquisition by the transferor has not been clawed back and the immovable property is disposed of by the transferee before the end of the nineteenth year following its acquisition by the transferor, the transferee shall be liable to pay back to the Director-General, in respect of the remaining portion of that period, the proportionate amount of credit allowed to the transferor.

(h) by inserting, after section 63, the following new section –

63A. Tax liability of principal officer of private company

(1) The principal officer of a private company shall –

- (a) be answerable for the doing of all such things as are required to be done by that company under this Act;
- (b) be required to retain out of any money or property of the company, so much as is sufficient to pay VAT which is or will become payable by that company; and
- (c) be personally liable in respect of the VAT payable by that company to the extent of any amount he has or should have retained under paragraph (b).

(2) For the purpose of subsection (1), “principal officer” means the executive director, or any other person who exercises or who is entitled to exercise or who controls or who is entitled to control, the exercise of powers which would fall to be exercised by the Board of directors.

(i) in section 65, by inserting, after subsection (1), the following new subsections –

(1A) Any person referred to in subsection (1B), other than a registered person, may, subject to subsections (1C) and (1E), make an application to the Director-General, in such form as may be determined by the Director-General, for a refund of tax paid on equipment specified in the Twelfth Schedule and used for the purposes of his activities.

(1B) Where the refund under subsection (1A) is in respect of equipment specified in –

- (a) Part I of the Twelfth Schedule, the application shall be made by a planter or an horticulturist registered with the Small Farmers Welfare Fund or a co-operative society registered under the Co-operatives Act;
- (b) Part II of the Twelfth Schedule, the application shall be made by a pig breeder registered with the Small Farmers Welfare Fund or a co-operative society registered under the Co-operatives Act;
- (c) Part III of the Twelfth Schedule, the application shall be made by a breeder, other than a pig breeder, registered with the Small Farmers Welfare Fund or a co-operative society registered under the Co-operatives Act;
- (d) Part IV of the Twelfth Schedule, the application shall be made by an apiculturist registered with the Entomology Division of the Ministry responsible for the subject of agro-industry; or

- (e) Part V of the Twelfth Schedule, the application shall be made by a fisherman registered with the Fishermen Welfare Fund or a co-operative society registered under the Co-operatives Act.

(1C) An application under subsection (1B) shall –

- (a) be made in respect of VAT paid on equipment imported or purchased from a registered person during the period from 1 January to 31 December 2012; and
- (b) be submitted to the Director-General within 15 days after the end of every quarter, in such form and manner as may be determined by the Director-General.

(1D) On receipt of an application under subsection (1C)(b), the Director-General shall proceed with the refund not later than 15 days from the date of receipt of the application.

(1E) (a) No application under subsection (1B) shall be made where, for a quarter, the amount refundable is less than 1,000 rupees.

(b) Where the amount refundable is less than 1,000 rupees for a quarter, the amount may be carried forward to the following quarter.

(c) No refund shall be made where an application is made more than one year from the date of payment of the tax.

(j) in section 72(1)(b)(ii), by deleting the words “and the Third Schedule” and replacing them by the words “, the Third Schedule and the Twelfth Schedule”;

(k) by repealing section 73 and replacing it by the following section –

73. Transitional provisions

(1) Notwithstanding this Act, where a person who applies for VAT registration on or before 31 March 2012 ought to have been registered prior to the date of his registration, he shall submit the statement under section 23 in respect of taxable periods commencing on the date he was required to be registered or 1 January 2010, whichever is the later, and ending on the date immediately preceding the date of his registration.

(2) A person referred to in subsection (1) –

- (a) shall submit the statement required under section 23, by 30 June 2012 at latest;
- (b) may take credit for input tax for the taxable periods in respect of which the statement is submitted; and

- (c) where he cannot substantiate the VAT paid or payable on the taxable supplies made to him during the period prior to registration, shall be allowed to such deemed credit for input tax as may be determined by the Director-General.

(3) A person who makes an application for VAT registration pursuant to subsection (1) shall not be liable to –

- (a) penalty for failure to apply for compulsory registration under section 15A;
- (b) penalty for late payment of tax under section 27; and
- (c) interest on unpaid tax under section 27A, from the date the tax was due to 30 June 2012.

(4) Where, on or before 30 June 2012, a registered person makes a voluntary disclosure of his undeclared or underdeclared VAT liability for taxable periods prior to taxable period commencing on 1 October 2011, he shall, at the same time, pay the VAT at the appropriate rate in force in respect of each taxable period, free from any penalty that may have become due in accordance with this Act and free of interest up to 30 June 2012 under section 27A.

(5) For the purpose of the disclosure under subsection (4), the person shall be entitled to credit for input tax in respect of the period of the disclosure.

(6) Where the VAT disclosed under subsection (4) is not paid by 30 June 2012, any unpaid VAT shall carry interest at the rate of one per cent per month.

(7) Where a person who has been assessed to tax –

- (a) has objected to the assessment under section 38;
- (b) has lodged a representation with the Clerk of the Assessment Review Committee; or
- (c) has made an appeal to the Supreme Court or to the Judicial Committee of the Privy Council,

he may apply to the Director-General for the tax assessed to be considered as a voluntary disclosure of undeclared VAT under subsection (4), provided that he withdraws his objection, representation or appeal, as the case may be.

(8) Where a person has made an application under subsection (7), his VAT liability shall be recomputed to take into account the credit for input tax for the period assessed.

(9) The disclosure under subsection (4) shall be made in such form and manner and under such conditions as may be determined by the Director-General.

(10) Where a person –

- (a) submits a statement of VAT payable in respect of the period prior to the date of his registration pursuant to subsection (2); or
- (b) makes a voluntary disclosure of his VAT liability pursuant to subsection (4); and

the Director-General is satisfied with the statement or disclosure, as the case may be, the person shall be deemed, notwithstanding sections 54 to 61, not to have committed an offence.

(11) Where VAT arrears outstanding as at 31 December 2011 are paid by a person on or before 30 September 2012, any penalty included in the VAT arrears shall be reduced –

- (a) by 100 per cent of penalty charged under sections 15A and 24(9); and
- (b) by 75 per cent of penalty and interest charged under sections 26, 27 and 27A,

provided that an application for the reduction is made to the Director-General on or before 30 June 2012.

(12) For the purposes of subsection (11), “VAT arrears” means tax remaining unpaid on submission of a return under section 22, a statement made under section 23 or an assessment made under section 37 but excludes tax and penalties due under a return or statement submitted or an assessment raised after 30 June 2006.

(13) This section shall not apply to any person –

- (a) who has been convicted on or after 1 July 2001 of an offence relating to;
- (b) against whom any civil or criminal proceedings are pending or contemplated in relation to an act of; or
- (c) in relation to whom an enquiry is being conducted into an act of,

trafficking of dangerous drugs, arms trafficking, or an offence related to terrorism under the Prevention of Terrorism Act, money laundering under the Financial Intelligence and Anti-Money Laundering Act or corruption under the Prevention of Corruption Act.

- (l) in the First Schedule –
- (i) in item 12, by deleting the words “, other than cosmetic surgery services,”;
 - (ii) in item 50(f), by deleting the words “, but except services provided by an insurance agent, insurance broker or insurance salesman”;
 - (iii) by adding the following new items –
 - 66. Anti-smoking chewing gum and anti-smoking patches.
 - 67. Life jackets of H.S. Codes 3926.201, 4015.901 and 6307.20.
 - 68. Parts of footwear of H.S. Code 64.06.
 - 69. Buckles and shoe lasts.
 - 70. Shoe welt.
- (m) in the Fifth Schedule, by adding the following item –
28. Construction of semi-industrial fishing vessels during the period from 1 January to 31 December 2012.
- (n) in the Ninth Schedule –
- (i) in item 9, under Column 2, by adding a new paragraph (b), the existing provision being lettered (a) accordingly –
 - (b) Goods purchased from a registered person on presentation of a VAT Exemption Card issued jointly by the Director-General and the Secretary for Foreign Affairs, subject to the conditions specified in the VAT Exemption Card
 - (ii) by deleting item 14 and replacing it by the following item –
 - 14. (a) National Housing Development Construction of
Company Ltd social housing
 - (b) Housing development trust, or other non-profit vehicle, carrying on the construction of social housing, registered with the committee set up under section 50L(3) of the Income Tax Act
- (o) in the Tenth Schedule, in Part II, by deleting item 2;

(p) in the Eleventh Schedule, by adding after Part II, the following new Part –

PART III – RATE OF LEVY

Per message	10 cents
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(q) by adding the Twelfth Schedule set out in the Sixth Schedule to this Act.

20. Validation of resolution

The financial resolution adopted by the National Assembly on 4 November 2011 is validated.

21. Commencement

(1) (a) Sections 2 and 3, and section 7(j) in so far as it relates to subsections (13) to (16) of section 165 of the Gambling Regulatory Authority Act, shall come into operation on 1 January 2012.

(b) Section 8(a)(iii), (e), (s), (v), (w), (y), (za), (zb), (zd), (ze), (zg) in so far as it relates to section 112(1)(ea) of the Income Tax Act, (zi) to (zl), (zp)(ii) to (v), (zs)(ii) and (zt), and sections 11(b), 12(j), 13(a) and 14 shall come into operation on 1 January 2012.

(c) Section 19(i), (k) in so far as it relates to subsections (4) to (13) of section 73 of the Value Added Tax Act, and (q) shall come into operation on 1 January 2012.

(2) Section 6(b) and (c) shall be deemed to have come into operation on 13 July 2011.

(3) Sections 6(d)(i) and (ii)(A), 8(a)(i) and (vi), (c), (d), (p), (q), (zq), and (zr)(ii)(B) and (C) shall be deemed to have come into operation on 5 November 2011.

(4) Section 8(a)(ii) and (viii), (i) in so far as it relates to section 48 of the Income Tax Act, (j) to (l), (n), (r), (zh)(i) and (zn) shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

(5) Section 8(a)(v), (vii), (f), (o)(i), (u)(i), (x), (z), (zg) in so far as it relates to section 112(1)(a) of the Income Tax Act, (zr)(i) and (zs) shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

(6) Section 8(zr)(ii)(A) shall be deemed to have come into operation on 1 October 2011.

(7) Section 19(b) shall come into operation on 1 October 2012.

(8) Section 8(zc), (zu) and (zv) shall come into operation on 1 March 2012.

- (9) Section 19(d)(ii) shall come into operation on 1 July 2012.
- (10) Section 19(d)(i), (f) and (p) shall come into operation on 15 January 2012.

FIRST SCHEDULE

[Section 2(b)]

SCHEDULE

[Section 4]

ADVERTISING STRUCTURES AND FEE CHARGEABLE

<i>Advertising structure</i>	<i>Fee payable per financial year or part of financial year (Rs)</i>	<i>Date payable</i>
Advertising structure on field board or billboard, whether mechanical, electrical, electronic or in any other form –		Not later than 31 January in every financial year
(a) not exceeding 12 m ²	30,000	
(b) exceeding 12 m ² but not exceeding 24 m ²	40,000	
(c) exceeding 24 m ² but not exceeding 33 m ²	50,000	
(d) exceeding 33 m ² but not exceeding 36 m ²	60,000	
(e) exceeding 36 m ²	70,000	

SECOND SCHEDULE

[Section 4(l)]

THIRD SCHEDULE

[Sections 16(2)(b) and 16B(4)]

DOCUMENTS RELATING TO IMPORTS FOR HOME CONSUMPTION

Bill of lading

Invoice

Certificate of origin

Import permit under the Consumer Protection (Control of Imports) Regulations 1999

Permit or authorisation under any enactment for health, phytosanitary or security reasons

THIRD SCHEDULE

[Section 6(d)]

Part A

22.03, 2203.001, 2203.009, 22.04, 2204.101, 2204.109, 2204.211, 2204.219, 2204.291, 2204.292, 2204.293, 2204.299, 22.05, 2205.109, 2205.901, 2205.909, 22.06, 2206.001, 2206.002, 2206.003, 2206.0041, 2206.0049, 2206.0051, 2206.0059, 2206.006, 2206.007, 2206.008, 2206.0091, 2206.0099, 22.08, 2208.2011, 2208.2019, 2208.2021, 2208.2029, 2208.209, 2208.301, 2208.309, 2208.401, 2208.402, 2208.409, 2208.501, 2208.502, 2208.509, 2208.601, 2208.609, 2208.70, 2208.9011, 2208.9019, 2208.9021, 2208.9029, 2208.9031, 2208.9039, 2208.904, 2208.905, 2208.906, 2208.909, 24.02, 2402.10, 2402.20, 2402.90, 84.07, 8407.21, 84.08, 8408.10, 87.04, 87.11, 8711.101, 8711.102, 8711.109, 8711.2011, 8711.2012, 8711.2019, 8711.2091, 8711.2099, 8711.301, 8711.309, 8711.401, 8711.409, 8711.501, 8711.509, 8711.9021, 8711.9022, 8711.9031, 8711.9032

Part B

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
22.03		Beer made from malt:				
	2203.001	--- In can	L	Specific duty per litre	Rs 29.75 per litre plus Rs 2 per can	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	2203.009	--- Other	L	"	Rs 29.75 per litre	"
22.04		Wine of fresh grapes, including fortified wines; grape must other than that of heading 20.09.				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
		- Sparkling wine:				
	2204.101	--- Champagne	L	Specific duty per litre	Rs 660 per litre	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	2204.109	--- Other	L	"	Rs 139 per litre	"
		- Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:				
		-- In containers holding 2 L or less:				
	2204.211	--- Fortified wine	L	"	Rs 165 per litre	"
	2204.219	--- Other	L	"	Rs 139 per litre	"
		-- Other:				
	2204.291	--- In bulk for bottling purposes	L	"	Rs 79.20 per litre	"
	2204.292	--- Fortified wine	L	"	Rs 165 per litre	"
	2204.293	--- Grape must with fermentation prevented or arrested by the addition of alcohol	L	"	Rs 99 per litre	"
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	

Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2204.299	--- Other	L	Specific duty per litre	Rs 139 per litre	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
22.05		Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances. - In containers holding 2 L or less:				
	2205.109	--- Other	L	"	Rs 139 per litre	"
		- Other:				
	2205.901	--- In bulk for bottling purposes	L	"	Rs 79.20 per litre	"
	2205.909	--- Other	L	"	Rs 139 per litre	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
22.06		Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included:				
	2206.001	--- Fruit wine	L	Specific duty per litre	Rs 25.20 per litre	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	2206.002	--- Fortified fruit wine	L	"	Rs 54 per litre	"
	2206.003	--- Shandy	L	"	Rs 25.20 per litre	"
		--- Beer:				
	2206.0041	---- In can	L	"	Rs 29.75 per litre plus Rs 2 per can	"
	2206.0049	---- Other	L	"	Rs 29.75 per litre	"
		--- Cider, perry and mead:				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2206.0051	--- In can	L	Specific duty per litre	Rs 31 per litre plus Rs 2 per can	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	2206.0059	--- Other	L	"	Rs 31 per litre	"
		--- Made wine and fortified made wine:				
	2206.0061	--- Made wine	L	"	Rs 54 per litre	"
	2206.0062	--- Fortified made wine	L	"	Rs 84 per litre	"
		--- Island wine and fortified island wine:				
	2206.0071	--- Island wine	L	"	Rs 25.20 per litre	"
	2206.0072	--- Fortified island wine	L	"	Rs 54 per litre	"
		--- Admixed wine and fortified admixed wine:				
	2206.0081	--- Admixed wine	L	"	Rs 60 per litre	"
	2206.0082	--- Fortified admixed wine	L	"	Rs 90 per litre	"
		--- Other:				
	2206.0091	--- In can	L	"	Rs 99 per litre plus Rs 2 per can	"
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	

Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2206.0099	---- Other	L	Specific duty per litre	Rs 99 per litre	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
22.08		Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages. - Spirits obtained by distilling grape wine or grape marc: --- Cognac:				
	2208.2011	---- In bulk for bottling purposes	L	"	Rs 825 per litre absolute alcohol	"
	2208.2019	---- Other	L	"	Rs 1320 per litre absolute alcohol	"
		--- Brandy:				
	2208.2021	---- In bulk for bottling purposes	L	"	Rs 825 per litre absolute alcohol	"
	2208.2029	---- Other	L	"	Rs 1320 per litre absolute alcohol	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2208.209	--- Other	L	Specific duty per litre	Rs 1320 per litre absolute alcohol	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
		- Whiskies:				
	2208.301	--- In bulk for bottling purposes	L	"	Rs 825 per litre absolute alcohol	"
	2208.309	--- Other	L	"	Rs 1320 per litre absolute alcohol	"
		- Rum and other spirits obtained by distilling fermented sugar-cane products:				
	2208.401	--- Agricultural rum	L	"	Rs 390 per litre absolute alcohol	"
	2208.402	--- Island recipe rum	L	"	Rs 390 per litre absolute alcohol	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2208.409	--- Other	L	Specific duty per litre	Rs 390 per litre absolute alcohol	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
		- Gin and Geneva:				
	2208.501	--- Distilled gin	L	"	Rs 390 per litre absolute alcohol	"
	2208.502	--- London gin	L	"	Rs 390 per litre absolute alcohol	"
	2208.509	--- Other	L	"	Rs 1320 per litre absolute alcohol	"
		- Vodka:				
	2208.601	--- Vodka produced from alcohol obtained by treating fermented mash of cereals or potato	L	"	Rs 1320 per litre absolute alcohol	"
	2208.609	--- Other	L	"	Rs 390 per litre absolute alcohol	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2208.70	- Liqueurs and cordials	L	Specific duty per litre	Rs 264 per litre absolute alcohol	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
		- Other:				
		--- Eau de vie:				
	2208.9011	---- In bulk for bottling purposes	L	"	Rs 825 per litre absolute alcohol	"
	2208.9019	---- Other	L	"	Rs 1320 per litre absolute alcohol	"
		--- Spirit cooler:				
	2208.9021	---- In can	L	"	Rs 37 per litre plus Rs 2 per can	"
	2208.9029	---- Other	L	"	Rs 37 per litre	"
		--- Tequilla:				
	2208.9031	---- In bulk for bottling purposes	L	"	Rs 825 per litre absolute alcohol	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2208.9039	--- Other	L	Specific duty per litre	Rs 1320 per litre absolute alcohol	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	2208.904	--- Spirits obtained by redistilling alcohol obtained from molasses, sugar cane or its derivatives and by flavouring, sweetening, or further treating the redistilled alcohol	L	"	Rs 390 per litre absolute alcohol	"
	2208.905	--- Spirits obtained by compounding or flavouring alcohol obtained from molasses, sugar cane or its derivatives	L	"	Rs 390 per litre absolute alcohol	"
	2208.906	--- Admixed spirits	L	"	At the rate applicable to the spirits calculated in proportion to the volume of spirits used in the production	"
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	

Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	2208.909	--- Other	L	Specific duty per litre	Rs 1320 per litre absolute alcohol	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
24.02		Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.				
	2402.10	- Cigars, cheroots, cigarillos, containing tobacco	kg	Specific duty per kg	Rs 10,925 per kg	"
	2402.20	- Cigarettes containing tobacco	kg	Specific duty per thousand	Rs 3,160 per thousand cigarettes	"
	2402.90	- Other	kg	"	Rs 3,160 per thousand cigarettes	"
84.07		Spark-ignition reciprocating or rotary internal combustion piston engines. - Marine propulsion engines: -- Outboard motors:				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	8407.211	--- Not exceeding 25 horsepower	U	Ad valorem or value at importation	0%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	8407.212	--- Exceeding 25 horsepower but not exceeding 140 horsepower	U	"	0%	"
	8407.219	--- Other	U	"	50%	"
84.08		Compression-ignition internal combustion piston engines (diesel or semi-diesel engines). - Marine propulsion engines: -- Outboard motors:				
	8408.1011	---- Not exceeding 25 horsepower	U	"	0%	
	8408.1012	---- Exceeding 25 horsepower but not exceeding 140 horsepower	U	"	0%	"
	8408.1019	---- Other	U	"	50%	"
	8408.109	-- Other	U	"	0%	
87.04		Motor vehicles for the transport of goods.				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	8704.2125	---- New refrigerated lorries	U	Ad valorem or value at importation	0%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	8704.2126	---- Used refrigerated lorries	U	"	0%	"
		--- Refrigerated lorries:				
	8704.2241	---- New	U	"	0%	"
	8704.2242	---- Used	U	"	0%	"
		--- Refrigerated lorries:				
	8704.2341	---- New	U	"	0%	"
	8704.2342	---- Used	U	"	0%	"
87.11		Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars. - With reciprocating internal combustion piston engine of a cylinder capacity not exceeding 50 cc:				
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	

Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	8711.101	--- New	U	Ad valorem or value at importation	0%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	8711.102	--- In completely knock down condition for further processing, including painting and welding, and for assembly into complete motor cycles or mopeds	U	"	0%	"
	8711.109	--- Used - With reciprocating internal combustion piston engine of a cylinder capacity exceeding 50 cc but not exceeding 250 cc: --- Of a cylinder capacity exceeding 50 cc but not exceeding 125 cc:	U	"	0%	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	8711.2011	---- New	U	Ad valorem or value at importation	0%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	8711.2012	---- In completely knock down condition for further processing, including painting and welding, and for assembly into complete motor cycles or mopeds	U	"	0%	"
	8711.2019	---- Used --- Of a cylinder capacity exceeding 125 cc:	U	"	0%	"
	8711.2091	---- New	U	"	45%	"
	8711.2099	---- Used	U	"	45%	"

Column 1		Column 2	Column 3	Column 4	Column 5	Column 6
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
		- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 250 cc but not exceeding 500 cc: --- Of a cylinder capacity exceeding 250 cc but not exceeding 450 cc:				
	8711.3011	---- New	U	Ad valorem or value at importation	45%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	8711.3012	---- Used	U	"	45%	"
		--- Of a cylinder capacity exceeding 450 cc:				
	8711.3091	---- New	U	"	100%	"
	8711.3092	---- Used	U	"	100%	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
		- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 500 cc but not exceeding 800 cc:				
	8711.401	--- New	U	Ad valorem or value at importation	100%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
	8711.409	--- Used	U	"	100%	"
		- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 800 cc:				
	8711.501	--- New	U	"	100%	"
	8711.509	--- Used	U	"	100%	"
		- Other:				
		--- New, electrically operated:				
	8711.9021	---- Of a power rating not exceeding 3.75 kW	U	"	0%	"

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
	8711.9022	---- Of a power rating exceeding 3.75 kW	U	Ad valorem or value at importation	15%	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
		--- Used, electrically operated:				
	8711.9031	---- Of a power rating not exceeding 3.75 kW	U	"	0%	"
	8711.9032	---- Of a power rating exceeding 3.75 kW	U	"	15%	"

Part C

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
89.03		Yachts and other vessels for pleasure or sports; rowing boats and canoes. - Inflatable:				
	8903.101	--- Equipped with outboard motors of a capacity exceeding 150 horsepower	U	Ad valorem or value at importation	50% on the value of outboard motors	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
		- Other:				
		-- Sailboats, with or without auxiliary motor:				
	8903.911	--- Equipped with outboard motors of a capacity exceeding 150 horsepower	U	Ad valorem or value at importation	50% on the value of outboard motors	(a) At the time the entry for the goods is validated in accordance with the Customs Act in case of import (b) As specified in paragraph (6) in case of local manufacture
		-- Motorboats, other than outboard motorboats:				
	8903.921	--- Equipped with outboard motors of a capacity exceeding 150 horsepower	U	"	50% on the value of outboard motors	"
		-- Other:				
	8903.991	--- Equipped with outboard motors of a capacity exceeding 150 horsepower	U	"	50% on the value of outboard motors	"

FOURTH SCHEDULE

[Section 12(i)]

FIRST SCHEDULE

[Sections 2, 13, 17 and 18]

	<i>Insured Persons</i>	<i>Contributions payable</i>			<i>Minimum remuneration in respect of which contributions are payable</i>	
		<i>by employee</i>	<i>by employer</i>	<i>by Government</i>		
1.(a)	Every prescribed employee in the Sugar Industry	3%	10½ %			
(b)	Every other prescribed employee (higher rate)	5%	8½%		In respect of an employee in domestic service.	In respect of an employee other than in domestic service.
(c)	A person under section 17C(1) whose total earnings from all of his employers do not exceed 3,000 rupees in a month.	-	6%	3%		
2.	Every other employee (standard rate) other than -	3%	6%			
(a)	(i) a public officer in respect of his function as such;				(i) Rs 46 paid for one day's work	(i) Rs73 paid for one day's work
	(ii) an employee of a local authority in respect of his function as such and which entitles him to a pension or a compassionate allowance under a pension law;				(ii) Rs 276 paid for one week's work	(ii) Rs 440 paid for one week's work
					(iii) Rs 552 paid for one fortnight's work	(iii) Rs 879 paid for one fortnight's work
					(iv) Rs 598 paid for a half month's work	(iv) Rs 953 paid for a half month's work
(b)	Any person whose employment entitles him to pension or compassionate allowance under a pension law by reason of such employment;				(v) Rs 1195 paid for one month's work.	(v) Rs 1905 paid for one month's work.

FIRST SCHEDULE - continued

<i>Insured Persons</i>	<i>Contributions payable by employee</i>	<i>by employer</i>	<i>Minimum remuneration in respect of which contributions are payable</i>	
(c) An employee who is a member of a pension fund or scheme of an approved body where that fund or scheme has been managed by the SICOM LTD since before 2 July 1978 in respect of any employment in relation to which payments are made to the pension fund or scheme, unless the Minister in regulations provides otherwise;			In respect of an employee in domestic service	In respect of an employee other than in domestic service
			(i) Rs 46 paid for one day's work	(i) Rs 73 paid for one day's work
			(ii) Rs 276 for one week's work	(ii) Rs 440 paid for one week's work
			(iii) Rs 552 paid for one fortnight's work	(iii) Rs 879 paid for one fortnight's work
			(iv) Rs 598 paid for a half month's work	(iv) Rs 953 paid for a half month's work
(d) An employee who is employed exclusively on a Saturday, Sunday or any other public holiday.			(v) Rs 1195 paid for one month's work.	(v) Rs1905 paid for one month's work.
3. Every self-employed, non-employed or prescribed persons.	In multiple of Rs5 not below Rs115 and not exceeding Rs695 for a month.			

FIFTH SCHEDULE

[Section 13(f)]

FIRST SCHEDULE

[Section 5]

	Category of employees	Contributions (rounded to the nearest rupee) calculated on the basic wage or salary	Contributions (rounded to the nearest rupee) calculated on the basic wage or salary	Contributions (rounded to the nearest rupee) calculated on the basic wage or salary
		By Employer	By Employee	By Government
1.	(a) Public officers (b) Employees of a local authority or of a statutory body who are not insured persons under section 13(1) of the National Pensions Act	2.5%	---	
2.	(a) Employees of a local authority or of a statutory body who are insured persons under section 13(1) of the National Pensions Act (b) An employee referred to in section 17C(1) of the National Pensions Act whose total earnings from all of his employers do not exceed 3,000 rupees in a month. (c) Any other employee	2.5% 2.5% 2.5%	1% Nil 1%	 1%

Where an employer is late in paying monthly contributions and the unpaid contributions amount to less than Rs 50, no surcharge shall be payable

SIXTH SCHEDULE

[Section 19(q)]

TWELFTH SCHEDULE

[Section 65(1A) and (1B)]

PART I – Equipment applicable to a planter or an horticulturist

Tractors up to 120 hp, trailers, ploughs, furrowers, tillers, rotovators, blades, buckets, seedlers, harrows and hoes

Manure spreaders and fertiliser distributors

Seeds distributors, seeds trays, sowing machines and transplanters

Harvesting and threshing machinery

Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables

Machinery for the preparation of fruits, nuts or vegetables

Hand tools including spades, forks, rakes, *sécateurs*

Agricultural and horticultural appliances for spraying liquids or powders

Agricultural plastic crates

Industrial type agro processing equipment

Cooling chamber

Forced air dryers for fruits and vegetables

Heavy-duty high-pressure cleaning equipment (industrial type)

Heavy-duty water pumping equipment (industrial type)

PART II – Equipment applicable to a pig breeder

Heavy-duty high-pressure cleaning equipment (industrial type)

Heavy-duty water pumping equipment (industrial type)

PART III – Equipment applicable to a breeder other than pig breeder

Milking machines and milk tanks

Dairy machinery

Incubators, chippers and brooders

Machines for grading eggs

Drenching guns

Bush cutters

Drinkers, feed trough and battery cages

Debeaking machines, vaccinators

Heavy-duty high-pressure cleaning equipment (industrial type)

Heavy-duty water pumping equipment (industrial type)

PART IV – Equipment applicable to an apiculturist

Smoking-out apparatus for bee-keeping

PART V – Equipment applicable to a fisherman

Outboard and inboard motors of less than 25 hp

VHF telecommunications radio

Equipment used in fishing vessels (off lagoon)