# THE INCOME TAX ACT 1995

**(Consolidated up to Finance Act 2024)**

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# THE INCOME TAX ACT 1995

*(Consolidated Version)*

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**An Act**

**To amend and consolidate the law relating to income tax.**

ENACTED by the Parliament of Mauritius as follows -

## PART I - PRELIMINARY

### 1. Short title

This Act may be cited as the Income Tax Act 1995.

### 2. Interpretation

In this Act, unless the context otherwise requires -

"**absentee**" means -

(a) an individual who is, at the relevant time, not in Mauritius;

(b) a company which does not have a permanent place of business in Mauritius at which it carries on business in its own name;

(c) a company not incorporated in Mauritius which is declared by the Director-General to be an absentee by notice given to that company or to its agent in Mauritius;

**"accounting year"**, in sections 50B, 50C and 50D, means a period of 12 months ending with the date of the annual balance of the accounts of a company;[32]*

"**agent**" includes a person deemed by section 81, 82 or 83 to be an agent;

"**allowable deduction**" means -

(a) in the case of an individual, any expenditure, loss or allowance which is deductible under Sub-Part B of Part III; or

(b) in any other case, any expenditure, loss or allowance which is deductible under Sub-Part C of Part IV,

for the purpose of ascertaining net income;

"**appropriate retiring age**" has the meaning assigned to it in section 23;

"**approved investment trust company**" means a public company, approved by the Director-General, the principal objects of which are to invest in the securities of companies generally;

"**approved return date**" means a date approved by the Director-General under section 118;

**"APS"** means the Advance Payment System referred to in Sub-Part AA of Part IV;[33]*

**"APS quarter"** means the quarter referred to in section 50B;[34*]

"**Assessment Review Committee**" has the same meaning as in the Mauritius Revenue Authority Act;[35*]

"**associate**" includes –

(a) a general partner or limited partner of a limited partnership; and

(b) a partner of a limited liability partnership;[36*]

"**authorised mutual fund**" means a collective investment scheme under the Securities Act 2005;[37*]

**"Authority"** means the Mauritius Revenue Authority established under the Mauritius Revenue Authority Act 2004;[38*]

**"base value"** means the cost to the owner of any fixed asset or other capital expenditure incurred for the production of gross income after deducting therefrom any amount allowed by way of annual allowance;[39*]

"**benevolent association**" means an association registered under the Registration of Associations Act being an association whose main activity is to provide benefits during sickness or infirmity, or in old age, or in widowhood or for orphans;

**"BEPS"** means Base Erosion and Profit Shifting;[40*]

**"Board"** has the same meaning as in the Mauritius Revenue Authority Act 2004;[41*]

"**body of persons**" means any body corporate or unincorporate;

"**business**" includes any trade, profession, vocation or occupation, manufacture or undertaking, or any other income earning activity, carried on with a view to profit;

**"carer"** means any person employed by an individual to take care of his father, mother, grandfather or grandmother;[42*]

"**chargeable income**" means -[43*]

(a) for the purposes of section 107, the amount of income ascertained in accordance with that section;

(b) for the purposes of Sub-Part C of Part VIII –

(i) in the case of an individual, the amount remaining after deducting from the net income, the personal reliefs and deductions to which that individual is entitled; and

(ii) in any other case, the net income.

"**charitable Foundation**" has the same meaning as in the Foundations Act 2012;[44*]

"**charitable institution**" means an entity which is approved by the Director-General under section 49D;[45*]

"**charitable trust**" has the same meaning as in the Trusts Act 2001[46*];

"**child**", in sections 27 , means - [47*]

(a) an unmarried child, stepchild or adopted child of a person;

(b) an unmarried child whose guardianship or custody is entrusted to the person by virtue of any other enactment or of an order of a court of competent jurisdiction;

(c) an unmarried child placed in foster care of the person by virtue of an order of a court of competent jurisdiction;[48*]

**"Child Day Care Centre"** means such Child Day Care Centre as prescribed under the Children's Act 2020;[49*]

**"CIS manager**" means a person holding a CIS manager licence under the Securities Act 2005;[50*]

**"collective investment scheme"** has the same meaning as in the Securities Act 2005; [51*]

[*"Commissioner"]* Definition deleted [52*]

["*Committee*"] Definition deleted [53*]

"**company**"[54*] -

(a) means a body corporate, other than a local authority, incorporated in Mauritius or elsewhere; and

(b) includes -

(i) a non-resident société;

(ii) a cell of a protected cell company;

(iii) a variable capital company, its sub-fund or special purpose vehicle;

(iv) a Foundation;

(v) a trust; or a trustee of a unit trust scheme; but

(c) does not include a Land Area Management Unit;

"**consideration**" means the price in money or money's worth paid or given in return for any benefit;

"**CPS**" means the Current Payment System referred to in Sub-Part B of Part VIII;

[*"CPS period"]* **Definition deleted;**[55]*

**"CPS quarter"** means the quarter specified in section 106;[56]*

["*CPS threshold*"] **Definition deleted**;[57]*

"**credit**", in relation to foreign tax, means the amount deductible from income tax under section 77;

"**CSG**" means CSG payable under the National Pensions Act;[58]*

"**CSR programme**" means a programme having as its objects the alleviation of poverty, the relief of sickness or disability, the advancement of education of vulnerable persons or the promotion of any other public object beneficial to the Mauritian community;[59]*

"**Current Payment System**" means the system of payment of income tax referred to in Sub-Part B of Part VIII;

"**deep sea international trade**" means any trade excluding fishing carried out outside the territorial waters of Mauritius;

[*"dependent child"* ] **Definition deleted**;[60]*

*["dependent spouse*"] **Definition deleted**;[61]*

**"Director-General"** means the Director-General of the Authority;[62]*

**"disabled person"** means a person suffering from permanent disablement;[63]*

"**disincorporation**", in sections 16 and 56, means the transfer of all the assets and liabilities of a company to the persons who were shareholders of that company;

"**dividends**"[64]*

(a) means a distribution authorised by the Board of Directors of a company and made out of the retained earnings of the company, after having made good any accumulated losses at the beginning of its accounting period, either in cash or in shares to its shareholders; and

(b) includes a distribution under section 45(3), 45A(4), 46(4) and 49A(4);[65]* but

(c) does not include interest deemed to be dividends under section 84 and a benefit referred to in section 86A;[66*]

[ *"earned income"* ], **Definition deleted**;[67*]

**"Economic Development Board"** means the Economic Development Board established under the Economic Development Board Act ;[68*]

"**emoluments**" -

(a) means any advantage in money or in money's worth referred to in section 10(1)(a); and

(b) includes -

(i) a remuneration to the holder of any office and fees payable to the director of a company;

(ii) an allowance under the National Assembly Allowances Act or a pension under the National Assembly (Retiring Allowances) Act;

(iii) a remuneration payable to a Mayor, Chairman of a District Council or Chairman of a Village Council under the Local Government Act 1989;

(iv) an allowance payable to an apprentice;

(v) an allowance under the Rodrigues Regional Assembly (Allowances and Privileges) Act 2002;[69*]

"**employee**" means a person who receives or is entitled to receive emoluments;[70*]

"**employees' share scheme**" means a scheme or fund established for the benefit of the employees of an employer under the Companies Act 2001;[71*]

"**employer**" -

(a) means a person responsible for the payment of emoluments; and

(b) includes an agent of that person; but

(c) does not include a person employing only household employees;

["**equity fund**"];[72*]

"**exempt income**" means any income specified in the Second Schedule;

"**exempt person**" –[73*]

(a) means an employee whose emoluments in a month do not exceed 30,000 rupees; but

(b) does not include a director or a member referred to in section 96(3);

"**export of goods**"[74*] includes -

(a) international buying and selling of goods by an entity in its own name, whereby the shipment of such goods is made directly by the shipper in the original exporting country to the final importer in the importing country, without the goods being physically landed in Mauritius; and

(b) selling of aviation fuel to an airline;

**"foreign source income"**[75*] means income which is not derived from Mauritius;

"**foreign tax**" means any tax of every kind and description imposed by the law of another State;[76*]

"**foreign vessel**", in relation to item 9 of Sub-Part C of the Second Schedule, means a ship registered in Mauritius and owned by -[77*]

(a) a body corporate incorporated in Mauritius which is not under the effective control of citizens of Mauritius; or

(b) a body corporate which is incorporated outside Mauritius;

**"Foundation"** has the same meaning as in the Foundations Act 2012;[78*]

**"gains"**, in relation to gains from the sale or transfer of immovable property, means the gains referred to in section 10A;[79*]

**"GloBE Rules"** means the Global Anti-Base Erosion Rules developed by the Organisation for Economic Cooperation and Development/G20 Inclusive Framework on BEPS which provides for a co-ordinated system of taxation intended to ensure that large multinational enterprise (MNE) groups pay a minimum level of tax on the income arising in each of the jurisdictions where they operate;[80*]

**"Government securities"** has the same meaning as in the Public Debt Management Act 2008;[81*]

"**gross**", in relation to an amount, means without any deduction from that amount;

"**gross income**" means -

(a) the aggregate amount of all income -

(i) in the case of an individual, specified in Sub-Part A of Part III ; or

(ii) in any other case, specified in Sub-Part B of Part IV,

other than exempt income; or

(b) the amount of income derived from a particular source without any deduction from that amount;

[*"handicapped"]* **Definition deleted**;[82*]

[*"health institution"]* **Definition deleted**;[83*]

"**hotel**" means any building in which -

(a) not less than 9 bedrooms appropriately furnished together with necessary amenities are set apart for letting; and

(b) one or more rooms are set apart and structurally built or adapted and appropriately furnished for the preparation and sale to residents of food and drinks for consumption;[84*]

"**household employee**" means any person employed by a person other than a company, société, trust, trustee or other body of persons to work in his private dwelling and the grounds attached thereto and includes a driver;

"**ICT company**" -

(a) means a company deriving at least 75 per cent of its gross income from information and communication services as defined in the Information and Communication Technologies Act 2001; but

(b) does not include public paid or mobile telecommunication network and service including value added services and mobile internet;[85*]

"**immigration officer**" has the same meaning as in the Immigration Act;[86*]

"**income tax**" -[87*]

(a) means the income tax imposed by section 4; and

(b) includes –

(i) Repealed;[88*]

(ii) the levy imposed by Sub-Part AB or Sub-Part AC of Part IV;[89*]

(iia) the CSR charge under Sub-Part AD of Part IV;[90*]

(iib) the one-off charge on turnover and book profit under section 50M;[91*]

(iic) the presumptive tax under Sub-part BD of Part VIII;[92*]

(iid) the CCR Levy charged under Sub-part AE of Part IV;[93*]

(iii) any penalty or interest imposed under this Act; but

(c) does not include any fine;

"**income year**", in relation to the income of any person, means the year in which that income is derived by him;

"**incorporation**", in sections 16 and 56, means the transfer to a company of all the assets and liabilities of a business in consideration of the issue of shares in that company;

"**industrial premises**" means any building or structure, including any extension thereto, used -

(a) for the purposes of a trade -

(i) carried on in a mill, factory or other similar premises;

(ii) consisting of the manufacture of goods or materials, or the subjection of goods or materials to any process;

(iii) consisting of the storage of goods or materials which are to be used in the manufacture of other goods or materials or are to be subjected, in the course of a trade, to any process;

(b) for the purposes of a transport, dock or electricity undertaking;

(c) for the purposes of a hotel [*containing not less than 6 bedrooms for the accommodation of guests for reward*][94*];

(d) for the provision of education or training;[95*]

(e) for the purpose of operating an aerodrome;

(f) for the welfare of workers employed in a trade or undertaking specified in paragraphs (a) to (e); but

does not include -

(i) any building or structure in use as, or part of, a dwelling house or used for any purpose ancillary to the purposes of a dwelling house; or

(ii) any land, tree, plant, garden or earthworks;

[***"inter-crop season"***][96*] **Definition repealed** ;

"**Land Area Management Unit**" has the same meaning as in the Farmers Service Corporation Act 1991;

"**lease**" means a tenancy of any duration, whether in writing or otherwise, and includes a sublease or a contract of hire;

"**limited liability partnership**" has the same meaning as in the Limited Liability Partnerships Act 2016;[97]*

**"limited partnership"** means a limited partnership registered under the Limited Partnerships Act 2011;[98]*

"**listed company**" means a company the securities of which are listed on a securities exchange;[99]*

"**local authority**" has the same meaning as in the Local Government Act 1989;

"**loss**" in sections 20 and 59 means the amount of the deficit where the allowable deductions exceed the gross income in an income year;

"**manufacture**" -

(a) means the transformation of materials or semi-processed materials into finished or semi-finished goods; and

(b) includes the –[100]*

(i) assembly of parts into a piece of machinery or equipment or other product;

(ii) retreading of used tyres;

(iii) recycling activities;[101]*

"**manufacturing company**" -

(a) means a company which derives at least 75 per cent of its gross income from manufacturing activities in Mauritius; but

(b) does not include -

(i) a company engaged in the manufacture of alcoholic drinks or cigarettes and other tobacco products; or

(ii)[102]* a company engaged in carrying on the business of restaurant;

[*"miller"*] **Definition deleted**;[103]*

"**mineral**" includes oil, clay, stone, gravel or sand;

"**Minister**" means the Minister to whom the responsibility for the subject of finance is assigned;

"**MNE Group**" has the same meaning as in article 1.2.1 of the GloBE Rules as approved by the Inclusive Framework on BEPS;[104]*

"**National COVID-19 Vaccination Programme Fund**" means the Fund established under the Finance and Audit (National COVID-19 Vaccination Programme Fund) Regulations 2020;[105]*

"**national minimum wage**" has the same meaning as in the National Wage Consultative Council Act;[106]*

"**net income**" means the aggregate amount remaining after deducting from the gross income all allowable deductions;

"**NIC number**" has the same meaning as in the Civil Status Act;[107]*

"**non-citizen**" means an individual who is not a citizen of Mauritius;

"**non-resident**"[108]* –

(a) for the purposes of sections 6(4)(b), 161A(1)(g) and items 4 and 5 of Sub-Part B of Part II of the Second Schedule, and the Income Tax (Foreign Tax Credit) Regulations 1996 in so far as they apply to a bank holding a banking licence under the Banking Act 2004 -

(i) in the case of an individual, means a person –

(A) whose permanent place of abode is outside Mauritius; and

[B] who is outside Mauritius at the time the services are supplied;

(ii) in the case of any other person –

(A) means a person whose centre of economic interest is located outside Mauritius; and

(B) includes a company incorporated in Mauritius in so far as its banking transactions carried out through a permanent establishment outside Mauritius are concerned; but

[C] does not include a company incorporated outside Mauritius in so far as its banking transactions carried out through a permanent establishment in Mauritius are concerned;

(b) in any other case, means a person who is not resident in Mauritius;

"**non-resident trader**" means a person who, being in Mauritius, carries on business in Mauritius but has no permanent place of business or abode in Mauritius;

**"officer**" has the same meaning as in the Mauritius Revenue Authority Act 2004;[109]*

"**Official List**" has the same meaning as in the Stock Exchange Act 1988;[110*]

"**other income earning activity**" means any activity from which income of a kind specified under section 10(1)(c), (d) or 10(3) is derived;[111*]

"**owner**", in relation to a foreign vessel, has the same meaning as in the Merchant Shipping Act 1986;

"**pay**" means pay, distribute, transfer, credit or deal with in the interest or on behalf of any person and whether in money or money's worth;

"**PAYE**" means the Pay As You Earn (PAYE) System referred to in Sub-Part A of Part VIII;

"**person**" shall be deemed to include a trust;

[*"**personal reliefs and deductions**"*] **Definition deleted**;[112*]

"**planter**", for the purposes of -

(a) items 1 and 2 of Sub-Part C of Part II of the Second Schedule, means any person or group of persons growing sugar cane in one or more factory areas and includes any person acting as manager for that person or group of persons; and[113*]

(b) section 59(3), means any person or group of persons, other than an individual, engaged wholly or mainly in the growing of sugar cane in one or more factory areas;

"**premises**" includes land or buildings;

"**premium visa**" means a visa issued by the passport officer under the Passports Act to a non-citizen on the recommendation of the Economic Development Board;[114*]

"**protected cell company**" has the same meaning as in the Protected Cell Companies Act;[115*]

"**qualified auditor**" has the meaning assigned to it in the Companies Act, 1984;

"**Qualified Domestic Minimum Top-up Tax**" has the same meaning as in article 10 of the GloBE Rules as approved by the Inclusive Framework on BEPS;[116*]

"**rainwater harvesting system**" –[117*]

(a) means a system to capture, filter and store rainwater; and

(b) includes consultancy, design works, excavation works, gutters and specialised water tanks in relation to the setting up of a rainwater harvesting system;

"**registered owner**", in relation to items 9 and 10 of Sub-Part C of Part II of the Second Schedule, means a person who has been registered as the owner of a ship under the Merchant Shipping Act 1986;[118*]

"**REIT**" means a collective investment scheme or a closed-end fund authorised as a REIT by the Financial Services Commission established under the Financial Services Act;[119*]

"**related company**" has the meaning assigned to it by section 2(2) of Companies Act 2001;[120*]

"**relative**", in relation to a person, means any other person connected with him by -

(a) blood relationship as parent, grandparent, brother, sister, brother or sister of a parent, nephew, niece or descendant;

(b) marriage, as his spouse or the spouse of a person married to that other person or to a person specified in paragraph (a);

(c) adoption, as his child or as a child of a person specified in paragraph (a) other than the adopted child of his nephew or niece;

(d) natural relationship, through a mother who has acknowledged her child;

"**rent**" includes any premium or other consideration for a lease;

"**resident**" has the meaning assigned to it in section 73;

"**retiring allowance**" means a lump sum payment by way of a bonus, gratuity or other allowance in respect of the full-time employment of a person made on the occasion of his retirement from that employment;

"**return date**" means the last day of the period for which a return of income is required to be made;

"**Revenue Law**", in relation to section 76, has the same meaning as in the Mauritius Revenue Authority Act;[121*]

**"royalty"** means payment of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, any patent, trademark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience;[122*]

[*"seaman"*] **Definition deleted**;[123*]

**"securities"**, in item 7 of Sub-part C of Part II of the Second Schedule –
(a) has the same meaning as in the Securities Act; and
(b) includes virtual assets and virtual tokens; but
(c) does not include Treasury Bills and Bank of Mauritius Bills;[124*]

"**sell**" includes transfer;

"**share**" –[125*]

(a) in relation to a company, includes an interest in the capital of the company; and

(b) in relation to a collective investment scheme, means an interest in the scheme as defined in the Securities Act 2005;

"**shareholder**" includes a member of a company whether or not the capital of that company is divided into shares and, in sections 84, 85 and 86 includes a person by whom or on whose behalf shares in the company have at any time been held;

**"SME Mauritius Ltd"** has the same meaning as in the Small and Medium Enterprises Act 2017;[126*]

**"social contribution"** means the social contribution payable under the Social Contribution and Social Benefits Act 2021;[127*]

"**société**" -

(a) means a société formed under any enactment in Mauritius; and

(b) includes -

(i) a *société de fait* or a *société en participation*;

(iA) a limited partnership ;[128*]

(iB) a limited liability partnership;[129*]

(ii) a joint venture; or

(iii) a société or partnership formed under the law of a foreign country;

"**société commerciale**" means a société commerciale within the meaning of article 18 of the Code de Commerce;[130*]

"***société de secours mutuels***" means an association registered under the Registration of Associations Act, whose main activity is to provide welfare benefits;

"**solar energy unit**" –[131*]

(a) means a solar photovoltaic system; and

(b) includes a solar inverter, battery for storage of electricity and solar charge controller;

[***"solidarity levy"***] **Definition deleted**[132]*

[***"start-up company"***] **Definition deleted**;[133]*

"**Stock Exchange**" means a securities exchange licensed under the Securities Act 2005;[134]*

**"special purpose vehicle"** has the same meaning as in the Variable Capital Companies Act 2022;[135]*

**"sub-fund"** has the same meaning as in the Variable Capital Companies Act 2022;[136]*

**"superannuation fund" -** [137]*

"superannuation fund" –

(a) means a fund or scheme which is set up for the benefit of the employees of an employer and is licensed or authorised under the Private Pension Schemes Act 2012; and

(b) includes such other fund or scheme as the Director-General may approve;

**"Tax Account Number"** means the Tax Account Number (TAN) allotted to a person for the purposes of sections 99A and 105A;[138]*

"**tax avoidance**" includes, directly or indirectly -

(a) altering the incidence of income tax;

(b) relieving any person from liability to pay income tax;

(c) avoiding, reducing, or postponing any liability to pay income tax;

[*"tax incentive companies"*] **Definition repealed**[139]*;

"**taxpayer**", in relation to an income year, means a person having a chargeable income for that income year, whether on his own account or as an agent;

"**Top-up Tax**" has the same meaning as in article 10 of the GloBE Rules as approved by the Inclusive Framework on BEPS;[140]*

"**trade**" means any trade, adventure or concern in the nature of trade;

"**trade union**" means a trade union of employees registered under the Industrial Relations Act;

**[***"Tribunal"***] Definition deleted**[141]*

"**trust**" means a trust recognised under the laws of Mauritius;[142]*

"**trustee**", in relation to a unit trust scheme, means the person holding property as trustee in relation to the scheme;[143]*

"**Unified Revenue Board**" means the Unified Revenue Board established under the Unified Revenue Act 1983;

"**unit**", in relation to a unit trust scheme, means a unit into which the beneficial interest of the Unit Trust Fund for the scheme is divided;[144]*

"**unitholder**" means a person who holds a unit in a unit trust scheme;[145]*

"**Unit Trust Fund**" means the fund comprising the income and other property held by the trustee for the scheme;[146]*

"**unit trust scheme**" has the same meaning as a unit trust in the Securities Act 2005;[147]*

"**venture capital fund**" means a venture capital fund approved by the Minister;

"**virtual asset**" has the same meaning as in the Virtual Asset and Initial Token Offering Services Act 2021;[148]*

"**virtual token**" has the same meaning as in the Virtual Asset and Initial Token Offering Services Act 2021;[149]*

"**year**" means a period of 12 months commencing on 1 July;[150]*

"**year of assessment**" means the year in and for which tax is payable under section 4.

### 3. Application of Act

Sub-Part A of Part VIII, Part XI, sections 123 and 154(1) of this Act shall bind the State.

## PART II - LIABILITY TO INCOME TAX

### 4. Imposition of tax [151]*

(1) Subject to this Act, income tax shall, in and for every year -[152]*

(a) be paid to the Director-General by every person on all income, other than exempt income, derived by him during the preceding year; and

(b) be calculated on the chargeable income of the person, other than a person referred to in sections 44B and 44C, at the rate specified in Part I or Part IV of the First Schedule, as the case may be;[153]*

(2) Where a non-resident individual derives income from Mauritius falling under section 10 (1)(c), he shall pay income tax on the chargeable income attributable to that income at the rate specified in Part IV of the First Schedule.[154]*

(3) Notwithstanding the other provisions of this Act, a company forming part of an MNE group which is liable to a Top-up Tax in a year, may be required by the Director-General to compute and pay a Qualified Domestic Minimum Top-up Tax in such form and manner as may be prescribed.[155]*

**4A. Unexplained wealth [156]***

(1) Notwithstanding section 154, where the Director-General has reasonable grounds to suspect that a person has acquired unexplained wealth of at least 2.5 million rupees in cash, he shall, in accordance with the Financial Crimes Commission Act 2023, make a written report to the Financial Crimes Commission specifying the full name and address of the person and the sum of the unexplained wealth.

(2) Notwithstanding section 4, where a report is made under subsection (1), the sum specified in the report shall, subject to this section, not be liable to income tax.

(3) Where the Financial Crimes Commission does not institute action for the confiscation of the sum specified in subsection (1), wholly or partly, the Financial Crimes Commission shall inform the Director-General, who shall as soon as is reasonably practicable, in respect of any sum specified in the report and which is not subject to confiscation, issue, notwithstanding section 123A, an assessment in respect of that sum.

(4) In this section –

"Financial Crimes Commission" means the Financial Crimes Commission established under the Financial Crimes Commission Act 2023.

**5. Derivation of income**

(1) Income shall be deemed to be derived by a person where-

(a) the income was derived from Mauritius, whether the person was resident in Mauritius or elsewhere; or

(b) the income was derived at a time when the person was resident in Mauritius, whether the income was derived from Mauritius or elsewhere.

(2) Subject to the other provisions of this Act, income shall be deemed to be derived by a person when -

(a) it has been earned or has accrued; or

(b) it has been dealt with in his interest or on his behalf, whether or not it has become due or receivable.

(3) Income derived by an individual from outside Mauritius shall be deemed to be derived by the individual when – [157]*

(a) it is received in Mauritius by him or on his behalf; or

(b) it is dealt with in Mauritius in his interest or on his behalf.

**6. Income to be expressed in Mauritius currency**

(1) Income wherever derived, and expenses and losses, wherever incurred, shall , subject to subsection (5), be expressed in terms of Mauritius currency.[158]*

(2) Where income, expenditure or losses are expressed in terms of any currency other than Mauritius currency, they shall be converted into Mauritius currency at the exchange rate[159]* between Mauritius currency and the other currency.

(3) For the purposes of subsection (2), the exchange rate shall be -

(a) where income is remitted to Mauritius or the amount of any deduction is remitted from Mauritius during the income year in which it is derived or incurred, as the case may be, the rate in force at the date of the remittance; or

(b) where income or the amount of a deduction is not remitted during the income year in which it is derived or incurred, as the case may be, the rate in force at the end of that income year.

(4)[160]* Notwithstanding subsections(2) and(3) but subject to subsection (5), any income tax payable by –

(a) a corporation holding a Global Business Licence under the Financial Services Act; or

(b) a bank holding a banking licence under the Banking Act in respect of its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act,

shall be converted into Mauritius currency at the exchange rate in force at the date on which payment of the tax is made to the Director-General.

(5)[161]* Notwithstanding this section, where a corporation holding a Global Business Licence under the Financial Services Act or any other company with the approval of the Registrar of Companies[162]*, prepares its financial statements in either US dollar, Euros, GB pounds sterling, Singapore dollars, South African rands, Swiss

francs or such other foreign currency as may be approved by the Director-General it shall submit -

(a) its APS Statement under section 50B; and

(b) its return of income under section 116,

and pay any tax specified therein in that currency.

**7. Exempt body of persons and exempt income [163]***

(1) Any body of persons specified in Part I of the Second Schedule shall be exempt from income tax.

(2) Any income specified in Part II of the Second Schedule shall be exempt from income tax.[164]*

(3) Except as otherwise provided for in this Act, nothing in this section shall exempt from taxation, in the hands of a recipient any sum paid to him, by way of emoluments, dividends, interest or otherwise, wholly or partly by the exempt body of persons or persons or out of income so exempt from taxation.

## PART III - PERSONAL TAXATION

**8. Application of Part III**

This Part shall apply to individuals.

### Sub-Part A - Gross Income

**9. Income of a married woman**

(1) All income derived by a married woman shall be liable to income tax separately from the income of her husband in her own name.

(2) Any income derived by a married woman jointly with her husband shall be deemed to be derived by them in such proportion as may be declared by the couple in their tax returns.

(3) Where no declaration is made by the couple under subsection (2), the income shall be deemed to be derived by them in equal proportion.

**10. Income included in gross income [165]***

(1) Subject to the other provisions of this Act, the gross income of an individual shall include –

(a) any advantage in money or in money's worth which is -

(i) salary, wages, leave pay, fee, overtime pay, perquisite, allowance, bonus, gratuity, commission or other reward or remuneration in respect of or in relation to the office or employment of that individual;

(ii) superannuation, compensation for loss of office, pension (including any pension in respect of which a deduction is allowed under section 23 or 62, as the case may be), retiring allowance, annuity or other reward in respect of or in relation to past employment or loss or reduction of future income of that individual, whether receivable by that individual or by any person who is or has been the spouse or dependent of that individual;

(b) any gross income derived from any business;

(c) any rent, royalty, premium or other income derived from property;

(d) any dividend, interest, charges, annuity or pension, (other than a pension referred to in paragraph (a)(ii));

(e) basic retirement pension payable under the National Pensions Act;

(f)[166]* 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

(g) any other income derived from any other source.

(2) For the purposes of subsection (1)(a), any advantage in money or in money's worth shall include -

(a) any rent allowance, housing allowance, entertainment allowance, transport allowance, travelling allowance, travel grant, commuted travelling allowance or reimbursement of travelling expenses, petrol allowance, driver's allowance or any other allowance or sum by whatever name called;

(b) any reimbursement of the cost or payment of personal and private expenses of the employee by the employer;

(c) any reimbursement of the cost or payment of passages, by sea, air or land between Mauritius and another country on behalf of the employee, his spouse and dependents; and

(d) any fringe benefits as may be prescribed.

(3) For the purposes of subsection (1)(b), gross income derived from a business shall include -

(a) any sum or benefit, in money or money's worth, derived from the carrying on or carrying out of any undertaking or scheme entered into or devised for the purpose of making a profit, irrespective of the time at which the undertaking or scheme was entered into or devised;

(b) any sum or benefit derived from the extraction, removal or sale of any mineral, tree or wood;

(c) any sum or benefit, in money or money's worth, derived from the sale of any immovable property or interest in immovable property, where the property was acquired in the course of a business the main purpose of which is the acquisition and sale of immovable property;

(d) any increase in the value of trading stock on hand at the time of transfer by sale or otherwise of a business or on the reconstruction of a company;

(e) any subsidy derived in the carrying on of a business; and[167]*

(f) any interest derived by a person from money lent through any Peer-to-Peer Lending platform operated under a licence issued by the Financial Services Commission under the Financial Services Act.[168]*

**[*10A. Gains from immovable property*] repealed [169]***

**11. Emoluments received in arrears**

Where arrears of emoluments earned in an income year are received by a person in the following or any subsequent income year, those emoluments shall be deemed to have been earned in the income year in which they are received.

**12. Income received in anticipation**

Where income is derived by a person in any year by way of premium or payment in advance or in any like manner by way of anticipation, the Director-General may, on the written application of that person during the following year, apportion that income between the income year and any number of subsequent years not exceeding 5, and the part so apportioned to each of those years shall be deemed to be income derived in that year.

**13. Valuation of trading stock**

(1) Where a person owns or carries on a business, the value of his trading stock at the beginning and at the end of every income year shall be

taken into account in ascertaining whether or not he has derived income during that year under section 10(1)(b).

(2) The value of the trading stock to be taken into account shall be determined on such basis as may be prescribed.

**14. Transfer of trading stock with other assets or for inadequate consideration**

(1) Subject to the other provisions of this Act, where any trading stock is sold or otherwise transferred together with other assets, the part of the consideration attributable to the trading stock shall be determined by the Director-General, and the part of the consideration so determined shall be deemed to be the price paid for the trading stock by the purchaser.

(2) For the purposes of subsection (1), any trading stock which has been transferred otherwise than by sale shall be deemed to have been sold, and any trading stock so transferred and any trading stock which has been sold for a consideration other than cash shall be deemed to have realised the market price at the day on which it was so transferred or sold, but where there is no market price, trading stock shall be deemed to have realised a price determined by the Director-General.

(3) In this section "trading stock" includes any other property which, as and when realised, produces income for the person under section 10(3)(c).[170]*

(4) Where any trading stock is sold or transferred without consideration in money or money's worth or for a consideration that is less than its market price or true value on the day of the sale or transfer -

(a) the trading stock shall be deemed to have been sold at and to have realised the market price on the day of the sale or transfer, but shall, where there is no market price, be deemed to have been sold at and to have realised a price determined by the Director-General;

(b) the price which under this section the trading stock is deemed to have realised shall be taken into account in calculating the gross income of the person selling or transferring the trading stock;

(c) the person acquiring the trading stock shall, for the purpose of calculating his net income, be deemed to have purchased the trading stock at the price which under this section the trading stock is deemed to have realised.

**15. Deemed income arising from expenditure or loss discharged**

(1) Where the amount of any expenditure or loss incurred by a person has been taken into account in calculating his net income for an income year, and the liability of the person in respect of that amount is subsequently discharged in whole or in part, the amount so discharged shall be deemed to be income derived in the year in which the amount is discharged.

(2) For the purposes of this section, a liability in respect of expenditure or loss shall be deemed to have been discharged to the extent to which the person has been discharged from that liability without adequate consideration in money or money's worth.

**16. Apportionment of income on incorporation and disincorporation**

(1) Where a business is transferred to a company on incorporation and the persons who carried on that business prior to incorporation are the shareholders in that company immediately after incorporation, the Act shall have effect as if -

(a) the business had not ceased or been transferred on incorporation; and

(b) at all times prior to incorporation the company had been carrying on the business.

(2) Where a business is transferred by a company on disincorporation and the persons who carry on that business after disincorporation were the shareholders in that company immediately prior to disincorporation, the Act shall have effect as if -

(a) the business has not ceased or been transferred on disincorporation; and

(b) at all times prior to disincorporation that person or those persons had been carrying on the business.

(3) Where incorporation or disincorporation takes place during an income year, the gross income of the business for that income year shall be apportioned between the company and the person carrying on the business on the basis of the proportion of the income year before and after incorporation or disincorporation.

**16A. Small enterprise qualified under an approved scheme[171]***

(1) Notwithstanding the other provisions of this Act, but subject to this section, any individual who sets up a new small enterprise on or after 2 June 2015 shall, where the small enterprise –[172]*

(a) (i) is registered under the repealed Small and Medium Enterprises Development Authority Act on or after 2 June 2015; and

(ii) qualifies under a scheme referred to in section 5A of the repealed Small and Medium Enterprises Development Authority Act; or

(b) (i) is registered under the Small and Medium Enterprises Act 2017; and

(ii) qualifies under a scheme administered and managed by SME Mauritius Ltd,

(2) The period of exemption under subsection (1) shall not exceed 8 succeeding income years from the income year –

(a) starting on 1 July 2016, for an enterprise required to submit a CPS Statement under section 106;

(b) starting on 1 July 2015, for an enterprise not required to submit a CPS Statement under section 106;or

(c) in which the individual start the activities relating to a project under the scheme – [173]*

(i) referred to in section 5A of the repealed Small and Medium Enterprises Development Authority Act; or

(ii) administered and managed by SME Mauritius Ltd.

(3) Any unrelieved tax losses shall not be carried forward after the expiry of the period referred to in subsection (2).

**[*Sub-Part AA – Solidarity Income Tax*] Repealed [174]***

**[*Sub-Part AB – Solidarity Levy*] Repealed [175]***

## Sub-Part B - Allowable Deductions

### 17. Deduction in connection with employment

(1) Any expenditure which is wholly, exclusively and necessarily incurred by a person in performing the duties of an office or employment shall be deductible from the gross income referred to in section 10(1)(a) in the income year in which the expenditure is incurred.[176]*

(2) The Director-General may determine whether and to what extent an allowance made to a person constitutes a reimbursement of expenditure wholly, exclusively and necessarily incurred by that person in performing the duties of his office or employment and the allowance shall, to the extent so determined, be deductible from the gross income referred to in section 10(1)(a) in the income year in which the allowance is made.[177*]

(3) Where the Director-General is satisfied that the whole or part of any advantage has necessarily to be provided by an employer for a person for the performance of the duties of his office or employment, the advantage, or part thereof, shall be deductible from the gross income referred to in section 10(1)(a) in the income year in which the advantage is provided.[178*]

(4)[179*] Deleted

(5)[180*]Deleted

**18. Expenditure incurred in the production of income**

(1) Any expenditure or loss shall be deductible from the gross income, other than gross income specified in section 10(1)(a), of a person in the income year in which it is incurred to the extent to which it is exclusively incurred in the production of his gross income, other than gross income specified in section 10(1)(a), for that income year.

(2) Any expenditure which satisfies the requirements of subsection (1), on or in relation to -

(a) minerals, trees or wood which when realised, produces gross income under section 10(1)(b); or

(b) immovable property, including the cost of acquisition, which when realised, produces gross income under section 10(3)(c), [181*]

shall be deductible from the gross income, other than gross income specified in section 10(1)(a), of a person in the income year in which he derives the gross income specified in this subsection.

(3) Any expenditure, which satisfies the requirements of subsection (1), incurred by a person on the repair of premises, machinery or plant, or on rent, or on export duties, rates and taxes, other than income tax or any other tax on income or profits, shall be deductible from his gross income, other than gross income specified in section 10(1)(a), in the income year in which the expenditure is incurred.

(4) An amount equal to 200 per cent of expenditure incurred by a person in an income year and which satisfies the requirements of subsection (1) shall be deductible from his gross income in that income year where the expenditure is incurred on -

(a) emoluments payable in that income year in respect of the full-time employment of a woman, other than a disabled person, approved under the Prime à l'Emploi Scheme; or [182]*;

(b) emoluments and training costs in respect of an employee employed in any business set up in the Island of Rodrigues. [183]*

(4A) For the purpose of subsection (4)(a), the amount of the deduction with respect to an employee shall be allowable for the period during which a payment is made with respect to that employee under section 150F.[184]*

(4B) An amount equal to 300 per cent of the expenditure incurred by a person in an income year and which satisfies the requirements of subsection (1) shall be deductible from his gross income in that income year where the expenditure is incurred on emoluments in respect of a disabled person. [185]*

(5) Subject to subsection (1) and section 26(1)(b) and (3), where any expenditure or loss incurred by a corporation holding a Global Business Licence under the Financial Services Act is not directly attributable to either its income derived from Mauritius or its foreign source income, the corporation shall forward, together with its return of income which is required under this Act, a certificate from a qualified auditor certifying that such expenditure or loss has been apportioned in a fair and reasonable manner, after taking into account any expenditure or loss incurred in the production of exempt income.[186]*

(6)[187]*(a) Notwithstanding subsection (1) but subject to paragraph (b), any solidarity levy under the Value Added Tax Act payable in an income year shall be deductible from the gross income referred to in section 10(1)(b) in that income year.

(b) Where a deduction under paragraph (a) has been allowed in an income year and such solidarity levy under the Value Added Tax Act is refunded in a subsequent income year, the deduction allowed shall be withdrawn and the amount of the deduction so withdrawn shall be deemed to be gross income of the person in the income year in which the refund is made.

**18A. Expenditure incurred by artists [188]***

(1) Where a person is a member of the Mauritius Society of Authors established under the Copyright Act, he may, instead of claiming a deduction for expenditure incurred in the production of gross income under section 18, opt to claim by way of deduction, an amount equivalent to 50 percent of the gross income generated from his artistic work other than a literary work.

(2) Subsection (1) shall not apply where the gross income generated from the artistic work referred to in subsection (1) –

(i) constitutes emoluments under section 10(1)(a)(i); or

(ii) exceeds 500, 000 rupees.

**19. Expenditure incurred on interest in the production of income**

(1) Subject to the other provisions of this section, where in an income year a person has incurred expenditure on interest in respect of capital employed exclusively in the production of gross income specified in section 10(1)(b),(c), or (d), as the case may be, he shall be allowed, in that income year, a deduction in respect of the interest from the gross income in the production of which the capital was employed.

(2) The Director-General may require a person to support his claim for deduction in respect of interest under subsection (1) by a certificate from a qualified auditor certifying that the amount of interest claimed has been incurred on capital employed exclusively in the production of gross income specified in section 10(1)(b), (c) or (d).

(3) The Director-General may refuse to allow a deduction on expenditure incurred as interest where he is satisfied that -

(a) the interest is payable to a non-resident who is not chargeable to tax on the amount of the interest; or

(b) the interest is not likely to be paid in cash within a reasonable time.

**20. Losses [189]***

(1) Where a person satisfies the Director-General that he has in an income year incurred a loss in the production of gross income specified in section 10(1)(b), (c) and (d), that loss –

(a) shall not be deducted from or set-off against his gross income specified in section 10(1)(a) for that income year; but

(b) may, subject to subsection (2), be set-off against his gross income, other than gross income specified in section 10(1)(a), derived in that income year, and any excess loss carried forward for set-off against income derived in the 5 succeeding income years.

(2) The time limit of 5 income years under subsection (1)(b) shall not apply for the carry forward of any amount of loss that is attributable to annual allowance claimed in respect of capital expenditure incurred on or after 1 July 2006.

(3) Where the Director-General is not satisfied with a claim for loss made by a person under this section, the Director -General shall determine the quantum of the loss available for set-off or carry forward and shall give notice of his determination to the person.[190*]

(4) Where loss available for set-off or carry forward has been determined under subsection (3) and it is subsequently found that the loss determined has been overstated, the Director-General may make another determination of the quantum of loss and shall give notice of his determination to the person referred to in subsection (3).[191*]

(5) Where any person is dissatisfied with a determination by the Director-General under subsection (3) or (4), he may object to the determination in the manner provided in section 131C.

(6) Any loss incurred by a person who qualifies for an exemption under items 11, 11A, 13, 26 to 32 or 34 to 38 of Sub-part C of Part II of the Second Schedule, during the period of exemption specified in the respective items, shall be available for carry forward and deduction under section 20 or 59, as the case may be.

**21. Bad debts and irrecoverable sums**

(1) Subject to subsection (3), a person who derives gross income specified in 10(1)(b) in an income year may deduct the amount of a debt or sum which is proved to have become bad and to have been actually written off as a bad debt by the person in that income year.

(2) Subject to subsection (3), a person who derives gross income, other than gross income specified in section 10(1)(b), may deduct any debt or sum not received in an income year but which is deemed to be derived in that income year and which is proved to have become irrecoverable by the person.

(2A) (a) Subject to subsection (3), a person who derives interest from money lent through any Peer-to-Peer Lending platform operated under a licence issued by the Financial Services Commission under the Financial Services Act in an income year may deduct the amount of the debt or interest arising from such amount

lent and which is proved to have become bad from any interest received from money lent through the same Peer-to-Peer Lending platform.

(b) Where the amount of debt or interest cannot be fully relieved under paragraph (a), the person may, subject to paragraph (c), claim that the unrelieved amount of debt or interest be carried forward and set off against interest received from money lent through the same Peer-to-Peer Lending platform in the succeeding income years.

(c) No time limit shall apply for the setting-off of any unrelieved bad debt arising under paragraph (b).[192]*

(3) Any amount allowed as a deduction which is subsequently received by the person on account of any bad or irrecoverable debt shall be deemed to be gross income derived in the income year in which it is received.

## 22. Contributions to superannuation fund

(1) Subject to this section, an employer may deduct any amount irrevocably paid by him to provide - [193]*

(a) a pension or retirement allowance to his employees and their dependants under a superannuation fund; and

(b) for the medical expenses of his employees and their dependants under a scheme approved by the Director-General.

(2) Notwithstanding section 18, where an amount paid by an employer under subsection (1) is a lump sum payment in respect of past services of employees, one-tenth of the payment shall be deductible in the income year in which the payment is made and in each of the 9 succeeding years.

(3) No deduction shall be allowed under this section where the superannuation fund under subsection (1)(a) is set up for the principal purpose of providing tax benefits to selected employees and their dependents.[194]*

## 23. Pensions to former employees

(1) Subject to subsection (2), the Director-General may, in the case of a person deriving gross income specified in section 10(1)(b) allow a deduction in respect of any amount which is not deductible otherwise than under this section and which, in the opinion of the Director-General, is reasonable in the particular circumstances of the case, paid by the person in that income year by way of a pension to any

former employee in the business of that person, or to the surviving spouse of that employee, in consideration of the past services of that employee in that business of the person, where the Director-General is satisfied that -

(a) the pension is receivable by the recipient -

(i) by virtue of any enactment;

(ii) as of right under a written document for a fixed period or for life;

(iii) in the case of the surviving spouse, for a fixed period or for life or until he or she remarries; or

(iv) on grounds which the Director-General determines to be compassionate grounds; and

(b) except in the case of the death of the employee while in the employment of the person, the employee did not retire from his employment before attaining the appropriate retiring age.

(2) This section shall not apply where because of any relationship to or with the employer or otherwise the former employee or the surviving spouse had or has, in the opinion of the Director-General, any control in relation to the payment of the pension by the person.

(3) For the purposes of this section -

"**appropriate retiring age**" means -

(a) not less than the age of 50;

(b) such earlier age as the Director-General considers reasonable, having regard to the nature of the employment of the person or service or the general terms of employment in the business or occupation in which the person was employed;

(c) the age at which the person retired in the case of retirement on the ground of serious illness or permanent disability; or

(d) the age at which a person ceased to be employed in any full-time employment and the Director-General is satisfied that he ceased to be so employed by reason of redundancy or other similar circumstances.

## 24. Annual allowance

(1)[195]* Subject to the other provisions of this section, where, in an income year, a person has incurred capital expenditure on –

(a) the acquisition, construction or extension of any –

(i) industrial premises;

(ii) clinics;

(iii) shops and shopping malls;

(iv) offices and showrooms;

(v) restaurants; or

(vi) entertainment premises;

(b) the acquisition of plant or machinery;

(c) agricultural improvement on agricultural land;

(d) scientific research;

(e) the setting up of golf courses;

(ea) the acquisition of patents;[196*]

(f) the acquisition or improvement of any other item of a capital nature which is subject to depreciation under the normal accounting principles;

(g) the acquisition of a solar energy unit; or [197*]

(h) research and development, including innovation, improvement or development of a process, product or service,[198*]

he shall be allowed a deduction of the capital expenditure so incurred by way of an annual allowance in that income year and in each of the succeeding years at such rate as may be prescribed.

(1A) Notwithstanding any other provision of this Act, where, in an income year, a person has incurred capital expenditure on electronic, high precision or automated machinery or equipment on or after 1 July 2020, he shall be allowed, in that income year, a deduction of that capital expenditure, provided no deduction has been claimed under subsection (1).[199*]

(2)[200*]Deleted

(3)[201*]No annual allowance shall be allowed under this section unless the expenditure is incurred exclusively in the production of gross income;

(4)[202*] (a) The total amount of allowance claimed under this section shall not exceed in the aggregate –

(i) in the case of a motor car, 3 million rupees;

(ii) in any other case, the amount of the capital expenditure incurred.

(b) Paragraph (a)(i) shall not apply to a person carrying on the business of tour operators and car rental.

(5) Subject to subsection (6) [203*], where, in an income year, a person sells or otherwise transfers an asset in respect of which an allowance has been allowed under this section at a price or for a consideration -

(a) in excess of the amount to which the value of the asset has been reduced by the allowance, the excess to the extent of the amount of the allowance granted shall be deemed to be the gross income of the person in that income year; or

(b) which is less than the amount to which the value of the asset has been reduced by the allowance, the difference shall be allowed as a deduction from the gross income of the person in that income year.

(6) [204*]Where a person sells or otherwise transfers plant, machinery, industrial premises or any other asset of a capital nature to a relative or to a related company and the plant, machinery, industrial premises or asset sold or transferred is used by the relative or the related company for the production of gross income, the sale or transfer shall, unless the Director-General directs otherwise, be deemed to have been made at a price equal to the base value of the plant, machinery, industrial premises or asset at the date of sale or transfer.

(7)[205*]Notwithstanding any other provision of this Act where a company has invested 60 million rupees or more or at least 20 per cent of the stated capital of a spinning factory, whichever is the higher, during the years 2003 to 2008, it shall be allowed an investment tax credit by way of deduction from its tax liability as follows –

(a) 15 per cent of the investment over 4 years; or

(b) 10 per cent over 6 years,

as from the year the investment was made, less any investment tax credit it has been allowed in the past in respect of the same investment.

(8) Notwithstanding any other provision of this Act, where a company has invested 10 million rupees or more or at least 20 per cent of the stated capital, whichever is the higher, of a weaving, dyeing or knitting of

fabrics factory during the years 2003 to 2008, it shall be allowed an investment tax credit by way of deduction from its tax liability as follows –

(a) 15 per cent of the investment over 4 years; or

(b) 10 per cent over 6 years,

as from the year the investment was made, less any investment tax credit it has been allowed in the past in respect of the same investment.

**24A. Expenditure incurred on fast charger for electric car**

Where, in an income year, a person incurs expenditure on a fast charger for an electric car used in the production of his gross income, he may deduct from his gross income, twice the amount of such expenditure in that income year.[206]*

**24B. Expenditure incurred on medical research and development[207]***

(1) Subject to subsection (2), where, in an income year, a person engaged in medical research and development incurs expenditure on medical research and development, he may deduct from his gross income twice the amount of that expenditure in that income year provided the research and development is carried out in Mauritius.

(2) Where a deduction has been claimed under paragraph (1), no deduction shall be allowed in respect of the same expense under section 24 or section 161A(55).

**25. [*Investment allowance ]* Deleted[208]*,[209]*,[210]***

**26. Unauthorised deductions**

(1) Notwithstanding sections 18 and 19 but[211]* subject to the other provisions of this section, no deduction shall be made in respect of -

(a) any investment, expenditure or loss to the extent to which it is capital or of a capital nature;

(b) any expenditure or loss to the extent to which it is incurred in the production of income which is exempt income;

(c) any reserve or provision of any kind;

(d) any expenditure or loss recoverable under a contract of insurance or of indemnity;

(e) any expenditure incurred in providing business entertainment or any gift;

(f) Repealed[212]*

(g) income tax, foreign tax, levy imposed in accordance with section 114 of the Gambling Regulatory Authority Act or special levy on banks in accordance with Part XB of the Value Added Tax Act;[213]*

(h) any expenditure or loss to the extent to which it is of a private or domestic nature;

(i) any sum which has been given, directly or indirectly as a gratification for a corruption offence.[214]*

(2) Where the Director-General is satisfied that any expenditure of a capital nature in relation to alterations or improvements to any premises, machinery or plant, does not increase the capital value of the premises, machinery or plant, or that the expenditure increases the capital value by an amount less than the amount of the expenditure, he may allow such deduction as he thinks fit.

(3) Where any expenditure or loss incurred by a person in the production of his gross income and exempt income is not directly attributable to the production of such income, that part of the expenditure or loss attributable to the production of the exempt income shall be disallowed in such proportion as may be prescribed[215]*.

(4) Deleted[216]*

## Sub-Part C – Personal Reliefs and Deductions for Individuals[217]*

### 27. Entitlement to Personal Reliefs and Deductions[218]*

(1) No person shall be entitled to personal reliefs, deductions and allowances under Sub-part C, D or E of Part III unless he is resident in Mauritius in the income year in which the income is derived [219]*.

(2) Subject to the other provisions of this section, every person shall, in an income year, be entitled to a deduction in respect of his dependents in accordance with the Third Schedule.[220]*

(2A) Where the person referred to in subsection (2) is –

(a) a retired person, who, in an income year, has gross income other than specified income; or

(b) a person having a physical or mental disability,

he shall in an income year, in addition to the deduction specified in subsection (2), be entitled to deduct from his net income in that income year an additional amount of 50,000 rupees.[221]*

(3) Repealed [222]*

(4) Where, in an income year, a person claims a deduction in respect of a dependent child, the spouse of that person shall not claim in that income year any deduction in respect of dependent child.[223]*

(4A) Where, in an income year, a person claims a bedridden next of kin as a dependent, no other person shall claim that bedridden next of kin as a dependent in that income year.[224]*

(5) A person shall not be entitled to claim in an income year a deduction in respect of his [225]* -

(a) First dependent, where the net income and exempt income of that dependent in that income year exceeds 110,000 rupees;[226]*

(b) Second dependent, where the net income and exempt income of his second dependent in that income year exceeds 80,000 rupees;[227]*

(c) Third dependent, where the net income and exempt income of his third dependent in that income year exceeds 85,000 rupees.[228]*

(d) Fourth dependent, where the net income and exempt income of the fourth dependent in that income year exceeds 80,000 rupees.[229]*

(6) Subject to subsection (6B), where the net income and exempt income of the first dependent, second dependent, third dependent and fourth dependent do not exceed 110,000 rupees, 80,000 rupees, 85,000 rupees and 80,000 rupees, respectively, the net income of the dependent or dependents shall be deemed to be, and shall be added to, the net income of that person.[230]*

(6A) Where, in an income year, a person is entitled to a deduction in respect of a dependent child who is pursuing a nonsponsored full-time undergraduate or postgraduate course at a recognised tertiary educational institution, he may claim an additional deduction under item 2 of Part I of the Third Schedule per dependent up to a maximum of 4 dependents.[231]*

(6B) Where, in an income year, a person claims a deduction in respect of a dependent who is a bedridden next of kin, the benefits derived by the bedridden next of kin under the National Pensions Act, in that income year, shall [232]* –

(a) be excluded in the calculation of the net income and exempt income of the bedridden next of kin under subsection (5); and

(b) not be included in the net income of the person claiming the deduction under this section.[233]*

(7) In this section –[234]*

"dependent" means –

(a) a spouse;

(b) a child under the age of 18; or

(c) a child over the age of 18 and who –

(i) is pursuing a full-time course at an educational institution or a training institution; or

(ii) cannot earn a living because of a physical or mental disability;

(d) a bedridden next of kin;[235]*

"bedridden next of kin", in respect of a person, means the bedridden spouse, father, mother, grandfather,grandmother, brother or sister of that person or of his spouse, provided that the bedridden next of kin is –[236]*

(a) eligible to the carer's allowance payable under the National Pensions Act; and

(b) under the care of that person.

"retired person" means a person who attains the age of 60 at any time prior to the first day of July of an income year in respect of which a claim for an additional deduction is made under subsection (2A);

"specified income" means the gross income derived from emoluments exceeding 50,000 rupees, specified in section 10 (1)(a)(i), or from any business.

**Sub-Part C [*Personal Reliefs and Deductions* ] Deleted[237]***

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## Sub-Part D – Interest Relief for Individuals[250]*

### 27A. Interest relief[251]*

(1) Subject to this section, every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of the amount of interest paid in that income year to –

(a) a bank or a non-bank deposit taking institution under the Banking Act;

(b) an insurance company under the Insurance Act;

(c) the Sugar Industry Pension Fund;

(d) the Development Bank of Mauritius; or

(e) the Statutory Bodies Family Protection Fund,

on a housing loan secured by mortgage or fixed charge on immovable property and used exclusively for the purchase or construction of his house.

(2) The relief under subsection (1) shall apply in respect of a loan secured by mortgage or fixed charge on immovable property.[252]*

(3) In the case of a couple where neither spouse is a dependent spouse, the relief under subsections (1) and (2) shall at the spouses' option be divided equally for each spouse.[253]*

(4) No relief under subsection (1) shall be allowed –

(a) unless the person is resident in Mauritius in the income year in which the income is derived;

(b) where the person or the spouse of the person [254]*–

(i) is, at the time the loan is raised, the owner of a residential building; or

(ii) benefits from any new housing scheme set up on or after 1 January 2011 by such competent authorities as may be prescribed;

(c) where the income of the person, or the spouse of the person, as the case may be, exceeds 4 million rupees in an income year.[255]*

(4A) For the purpose of subsection (1), the housing loan taken from –[256] *

(a) the Development Bank of Mauritius shall be for its employees;

(b) the Statutory Bodies Family Protection Fund shall be for its members.

(5) For the purposes of subsection (4)(c)-[257]*

"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.

## Sub-Part E - Other Reliefs and Allowances [258]*

### 27B. Relief for Medical or Health Insurance Premium

(1)[259]* Subject to this section, every person shall, in an income year, be entitled to deduct from his net income the actual amount paid in that income year as –

a) premium in respect of a medical or health insurance policy contracted for himself and his dependent for whom he has claimed a deduction under section 27; or

(b) contribution to an approved provident fund which has as its main object the provision for medical expenses of himself and his dependent in respect of whom he has claimed a deduction under section 27.

(2) The relief under subsection (1) shall not exceed the amount specified in Column 2 in Part II of the Third Schedule corresponding to the category specified in Column 1 of that Schedule.

(3) No relief under subsection (1) shall be allowed where -

(a) the premium or contribution has been paid by the employer of the person; or[260]*

(b) the premium is paid under a combined medical and life assurance scheme.

**27C. Solar Energy Investment Allowance [261]***

(1) Subject to this section, where an individual has in an income year invested in a solar energy unit, he shall be entitled to relief, by way of deduction from his net income after deducting any amount under sections 27, 27A, 27B, 27D, 27DA and 27DB of the amount invested in that income year.[262]*

(2) In the case of a couple, where neither spouse is a dependent spouse, the relief may, at the spouses' option, be taken by one spouse or divided equally for each spouse.

(3) Any unrelieved amount under subsection (1) in an income year may be carried forward and deducted against the net income of succeeding years.

**27D. Deduction for household employees [263]***

(1) Subject to subsection (2), where, in an income year, a person employs one or more household employees in respect of whom he has paid the contributions payable under the National Pensions Act and the National Savings Fund Act, he shall be entitled to deduct from his net income for that income year the wages paid to the household employees or 30,000 rupees, whichever is the lower.

(2) In the case of a couple, where both spouses employ household employees, the deduction allowable to them under subsection (1) shall not, in the aggregate, exceed 30,000 rupees.

**27DA. Donation to charitable institutions[264]***

(1) Subject to this section, where, in an income year, an individual has made a donation through electronic means to a charitable institution, he shall be entitled to deduct from his net income for that income year, the amount donated or 100,000 rupees, whichever is lower.[265]*

(2) No deduction shall be allowed under this section in an income year where, in respect of that income year, the charitable institution has failed to submit a return under section 123F, unless the individual making the donation provides evidence that such donation has been made.

**27DB. Contribution to approved personal pension schemes[266]***

Where, in an income year, an individual has contributed to an individual pension scheme approved by the Financial Services Commission under the Insurance Act for the provision of a pension for himself, he shall be entitled to deduct from his net income for that income year, the amount contributed or 50,000 rupees, whichever is lower.

**27DC. Deduction for carer[267]***

Where, in an income year, an individual employs one or more carers in respect of whom he has paid the contributions payable under the Social Contribution and Benefits Act 2021 and the National Savings Fund Act, he shall be entitled to deduct from his net income for that income year the wages paid to the carers or 30,000 rupees, whichever is lower.

**27E. Rainwater harvesting system investment allowance [268]***

(1) Subject to this section, where an individual has in an income year invested in a rainwater harvesting system, he shall be entitled to relief, by way of deduction from his net income, after deducting any amount under sections 27, 27A, 27B, 27C, 27D, 27DA and 27DB of the amount invested in that income year.[269]*

(2) In the case of a couple, where neither spouse is a dependent spouse, the relief may, at the spouses' option, be taken by one spouse or divided equally for each spouse.

(3) Any unrelieved amount under subsection (1) in an income year may be carried forward and deducted against the net income of succeeding years.

**27F. Fast charger for electric car investment allowance[270]***

(1) Subject to this section, where an individual has in an income year acquired a fast charger for his electric car, he shall be entitled to deduct from his net income, the expenditure incurred for the acquisition of the charger.

(2) Where, in an income year, a person has claimed a deduction in respect of a fast charger under section 24A, he shall not be entitled to a deduction under this section in respect of the same charger.

(3) Any unrelieved amount under subsection (1) in an income year may be carried forward and deducted from the net income of succeeding years.

**27G. Repealed[271]***

**27H. Contribution to COVID-19 Solidarity Fund[272]***

(1) Subject to this section, where an individual has, in the income year commencing on 1 July 2019 or 1 July 2020, made a contribution to the COVID-19 Solidarity Fund, he shall be entitled to relief, by way of a deduction from his net income, after deducting any amount under sections 27, 27A, 27B,27D, 27DA and 27DB of the amount contributed or donated in that income year.**[273]***

(2) Any unrelieved amount under subsection (1) for an income year may be carried forward and deducted against the net income of the income year immediately following that income year up to a maximum of 2 income years.

(3) In this section –

"COVID-19 Solidarity Fund" means the Fund referred to in the Finance and Audit (COVID-19 Solidarity Fund) Regulations 2020.

**27J. Contribution to National COVID-19 Vaccination Programme Fund[274]***

(1) Subject to this section, where an individual has, during the income year ending 30 June 2021, made a contribution to the National COVID-19 Vaccination Programme Fund, he shall be entitled to a relief by way of a deduction from his net income, after deducting any amount under sections 27, 27D, 27DA and 27DB, of the amount contributed or donated in that income year.

(2) Any unrelieved amount under subsection (1) for an income year may be carried forward and deducted against the net income of the 2 income years immediately following that income year.

**27K. Relief for adoption of animals [275]***

(1) Subject to subsection (2), where in an income year, an individual has adopted an animal from the Mauritius Society for Animal Welfare or an NGO, he shall, for that income year, be entitled to a relief, by way of a deduction from his net income, after deducting any amount under sections 27, 27D, 27DA and 27DB, of an amount of 10,000 rupees for each animal adopted.

(2) The total deduction under this section shall not exceed 30,000 rupees in an income year.

(3) In this section –

"Mauritius Society for Animal Welfare" means the Mauritius Society for Animal Welfare established under the Animal Welfare Act;

"NGO" means a non-Government organisation registered with the Director-General on such terms and conditions as he may determine.

**28. Angel investor allowance[276*]**

(1) (a) Where an angel investor has, in an income year, invested a minimum of 100,000 rupees to the seed capital of a qualifying start-up SME by way of acquisition of shares, he shall be entitled to a relief, by way of a deduction from his net income, of 50 per cent of the amount invested in that income year.

(b) The relief under subsection (1) shall be subject to such terms and conditions as may be prescribed.

(c) The total deduction under this subsection shall not exceed 500,000 rupees in an income year.

(2) (a) An angel investor together with his relatives shall not hold more than 25 per cent of the share capital of a qualifying start-up SME.

(b) The shares purchased under subsection (1) shall be held for at least 36 months from date of the acquisition, failing which the deduction allowed under subsection (1) shall be clawed back and added as taxable income in the income year in which the shares are disposed.

(c) The qualifying start-up SME shall, within 36 months of the disposal of any shares acquired under subsection (1), inform the Director-General accordingly.

(3) Any unrelieved amount under subsection (1) in an income year may be carried forward and deducted against the net income of the 2 succeeding years.

(4) In this section –

"angel investor" means an investor meeting such eligibility criteria as may be prescribed;

"qualifying start-up SME" means an SME set up on or after 1 July 2022 and meeting such eligibility criteria as may be prescribed.

## PART IV - CORPORATE TAXATION

**43. Application of Part IV**

This Part shall apply to companies, unit trust schemes, trusts collective investment schemes, sociétés and Foundations.[277*]

## Sub-Part A - Companies, unit trust schemes, trusts collective investment schemes, sociétés and Foundations[278]*

### 44. Companies [279]*

Subject to section 44B and 44C, every company shall be liable to income tax on its chargeable income at the rate specified in Part IV of the First Schedule.

### [*44A. Alternative minimum tax* ] Repealed [280]*

### 44B. Companies engaged in export of goods or manufacturing activities in a freeport zone[281]*

(1) Where, in an income year, a company is engaged in the export of goods, it shall be liable to income tax at the rate specified in Part II of the First Schedule on the chargeable income attributable to that export based on the formula set out in subsection (2).

(2) The formula referred in subsection (1) shall be –

$$\frac{a}{b} \times c$$

where –

a is the gross income derived from the export of goods in that income year

b is the gross income derived from all the activities of the company for that income year

c is the chargeable income of the company for that income year

(3) Where, in an income year, a freeport operator or private freeport developer is engaged in the manufacture of goods meant for local market in whole or in part, it shall be liable to income tax at the rate specified in Part II of the First Schedule on his chargeable income, provided that the freeport operator or private freeport developer satisfies the conditions relating to the substance of its activities as may be prescribed.[282]*

### 44C. Companies engaged in banking activities [283]*

(1) Every bank shall be liable to income tax on its chargeable income at the rate specified in Sub-part A of Part III of the First Schedule [284]*.

(2) Repealed [285]*.

(3) Repealed [286]*.

(4) In this section [287]* –

"**bank**" –

(a) has the same meaning as in the Banking Act; but

(b) does not include the Development Bank of Mauritius Ltd.

**44D. Manufacturing companies engaged in medical, biotechnology or pharmaceutical sector[288]***

(1) Where a manufacturing company –

(a) is engaged in medical, biotechnology or pharmaceutical sector; and

(b) holds an Investment Certificate issued by the Economic Development Board,

it shall, in an income year, be liable to income tax, on its chargeable income at the rate specificied in Part II of the First Schedule, provided the company -

(i) satisfies such conditions as may be prescribed in relation to the substance of its activities; and

(ii) has not, in that income year, claimed a partial exemption under Part II of the Second Schedule.

(2) The chargeable income referred to in subsection (1) shall not include income derived from intellectual property assets.[289]*

**44E. Higher Education Institutions set-up in Mauritius[290]***

Where a higher education institution registered under the Higher Education Act is set up in Mauritius, it shall, in an income year, be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.

**45. Unit Trust Schemes**

(1) Every trustee of a unit trust scheme shall pay income tax on its chargeable income at the rate specified in Part IV of the First Schedule.[291]*

(2) Any gains derived by the trustee of a unit trust scheme on realisation of any investments shall be deemed not to be income derived by the trustee provided that at least 70 per cent of the gains -

(a) is not distributed as income to the unit holders but is credited to the Unit Trust Fund of the scheme;

(b) is appropriated to meet realised losses; or

(c) is applied towards a capital purpose only.

(3) Any distribution to a unitholder out of the net income derived by the unit trust schemes shall be deemed to be a dividend to a shareholder.

(4) This section shall not apply in respect of the year of assessment 2005-2006 or subsequent years.[292*]

**45A. Collective investment schemes - year of assessment 2005-2006 and subsequent years [293*]**

(1) This section shall apply in respect of the year of assessment 2005-2006 and subsequent years.

(2) Every collective investment scheme authorised under the Securities Act 2005 shall pay income tax on its chargeable income at the rate specified in Part IV of the First Schedule. [294*]

(3) Any gains derived by such a scheme on the realisation of any investments of the scheme shall be deemed not to be income derived by the scheme [295*] provided that at least 70 per cent of the gains -

(a) is not distributed as income to the participants in the scheme;

(b) is appropriated to meet realized losses; or

(c) is applied towards a capital purpose only.

(4) Any distribution to a participant in the scheme out of the net income derived by the schemes shall be deemed to be a dividend to a participant.

**46. Trusts [296*]**

(1) Subject to section 7 and subsections (2) and (3) of this section, every trust shall be liable to income tax on its chargeable income at the rate specified in Part IV of the First Schedule.[297*]

(2) A trust [298*]

(a) of which the settlor is a non-resident or holds a Global Business Licence under the Financial Services Act 2007 or another trust which qualifies under this subsection; and

(b) (i) of which all the beneficiaries appointed under the terms of the trust are, throughout an income year, non-residents or holds a Global Business Licence under the Financial Services Act 2007; or

(ii) which is a purpose trust under the Trusts Act 2001 and whose purpose is carried out outside Mauritius,

shall be liable to income tax on its chargeable income at the rate specified in Part IV of the First Schedule.[299]*

(3) Repealed [300]*

(4) Any distribution to a beneficiary of a trust shall be deemed to be a dividend to the beneficiary [301]*

(5) Deleted[302]*

(6) Deleted[303]*

## 47. Sociétés

(1) Subject to section 50L, no resident société shall be liable to income tax.[304]*

(2) Subject to the other provisions of this Act, every associate of a resident société shall be liable to income tax on his share of income from that société.

(3) The net income of an associate from a resident société shall be deemed to be the share to which he would have been entitled in the income of the société during an income year if the income had been wholly distributed among the associates.

(4) For the purpose of calculating the net income of an associate specified in subsection (3), the associate shall be deemed -

(a) to have derived that part of the gross income of the société; and

(b) to have incurred that part of the allowable deductions of the société,

which bear the same proportion to the gross income or allowable deductions of the société as his share in the income of the société calculated in accordance with subsection (3) bears to the income of the société.

(5) Every associate of a société holding a Global Business Licence under the Financial Services Act 2007 shall be liable to income tax in respect of his share of income in that société at the rate of 15 per cent.[305]*

(6) Notwithstanding subsection (1), a société referred to in subsection (5) may, by notice in writing given simultaneously to the Director-General and to the Commission established under the Financial Services Act 2007, opt to be liable to income tax at the rate of 15 per cent.[306*]

(7) A non-resident société shall -

(a) be liable to income tax as if the société were a company; and

(b) pay income tax on its chargeable income at the rate specified in Part IV of the First Schedule.[307*]

## 48. Protected cell company[308*]

(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) Subject to subsection (3), 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[309*].

(3) Where a protected cell company has made an election under subsection (1) to present separate financial statements in respect of each of its cells, the Director-General shall not recover income tax due by a cell from [310*] –

(a) the cellular assets of another cell of the company; or

(b) the non-cellular assets of the protected cell company except where such assets are directly attributable to that cell of the company.

## 48A. Variable capital company[311*]

(1) Where a variable capital company has made an election under section 24(1) of the Variable Capital Companies Act 2022 to present separate financial statements for each of its sub-funds or special purpose vehicles, each sub-fund or special purpose vehicle shall be deemed to be an entity separate from the variable capital company and shall be liable to income tax in respect of its own income.

(2) Notwithstanding section 11 of the Variable Capital Companies Act 2022 but subject to subsection (3), the Director-General may recover any income tax due by a sub-fund or special purpose vehicle of a variable capital company from the company or from that sub-fund or special purpose vehicle [312*].

(3) Where a variable capital company has made an election under section 24(1) of the Variable Capital Companies Act 2022 to present separate financial statements for each of its sub-funds or special purpose vehicles, the Director-General shall not recover income tax due by a sub-fund or special purpose vehicle from the assets of [313]* –

(a) another sub-fund or special purpose vehicle; or

(b) from the assets of the variable capital company where such assets are directly attributable to another sub-fund or special purpose vehicle of the company.

**49. [***Companies in the freeport zone***] Repealed** [314]*

**49A. Foundations** [315]*

(1) Subject to subsection (2), every Foundation shall be liable to income tax on its chargeable income at the rate specified in Part IV of the First Schedule.

(2) Repealed[316]*

(3) Repealed[317]*

(4) Any distribution to a beneficiary of a Foundation shall be considered to be a dividend to the beneficiary.

**49B. Small company qualified under an approved scheme** [318]*

(1) Notwithstanding this Act, but subject to this section, a small company which qualifies under a scheme referred to in section 5A of the repealed Small and Medium Enterprises Development Authority Act or a scheme administered and managed by SME Mauritius Ltd shall be exempt –[319]*

(a) from income tax in respect of income derived from the activities relating to a project under a scheme referred to in section 5A of the repealed Small and Medium Enterprises Development Authority Act or a scheme administered and managed by SME Mauritius Ltd; and[320]*

(b) from the requirements to deduct income tax under section 111C.

(2) The period of exemption under subsection (1) shall not exceed 8 succeeding years from the income year immediately ending after 1 July 2015 or from the income year in which the small company starts its activity, whichever is the later.

(3) Any unrelieved tax losses shall not be carried forward after the expiry of the period referred to in subsection (2).

(4) In this section –[321]*

"small company" means –

(a) a company incorporated under the Companies Act and registered under the repealed Small and Medium Enterprises Development Authority Act on or after 2 June 2015 or under the Small and Medium Enterprises Act 2017;

b) a co-operative society set up on or after 2 June 2015 and registered under the repealed Small and Medium Enterprises Development Authority Act or under the Small and Medium Enterprises Act 2017.

**49C. Real Estate Investment Trust (REIT)[322]***

(1) Subject to this section, no REIT shall be liable to income tax, provided it satisfies such conditions as may be prescribed.

(2) Subject to the other provisions of this Act, every beneficiary or participant to a REIT, as the case may be, shall be liable to income tax on his share of the distribution made by the REIT at the appropriate rate specified in the First Schedule.

**49D. Charitable institution[323]***

The Director-General may, for the purposes of this Act, approve as charitable institution an entity which has objects that –

(a) are of a public character;

(b) do not yield any profits to its members;

(c) are exclusively for –

(i) the advancement of religion;

(ii) the advancement of education;

(iii) the relief of poverty, sickness and disability;

(iv) the protection of environment;

(v) the advancement of human rights and fundamental freedoms;

(vi) the promotion of any other public object beneficial to the community; and

(d) are carried out either in or outside of Mauritius.

**50. Insurance, shipping, aircraft and other business**

(1) The net income of a company deriving income from insurance, shipping or aircraft business shall be ascertained in such manner as may be prescribed.

(1A) Notwithstanding the other provisions of this Act, but subject to subsection (1B), the tax payable by a company deriving income from life insurance business, shall be –

(a) the normal tax payable; or

(b) 10 per cent of the relevant profit,

whichever is the higher.[324]*

(1B) In this section –[325]*

"normal tax payable" means the tax payable on the net income calculated under regulation 17 of the Income Tax Regulations 1996;

"relevant profit" means profit attributable to shareholders in respect of an income year –

(a) as reduced by capital gain attributable to shareholders where such gain has been credited to the income statement of the company; and

(b) as increased by any capital loss attributable to shareholders where such loss has been debited to the income statement of the company

for that income year.

(2) The Minister may, by regulations, make provision for the ascertainment of the net income of any other business.

**Sub-Part AA - Advance Payment System [326]***

**50A. Application of Sub-Part AA**

(1) This Sub-Part shall apply to companies, unit trust schemes, collective investment schemes, cells of a protected cell company, Foundations, trusts other than trusts to which section 46(3) applies, non-resident sociétés , any company falling under section 73A and any société holding a Global Business Licence under the Financial Services Act 2007 which has opted to be liable to income tax under section 47(6) [327]*.

(2) Any reference made to a company under this Sub -Part shall be construed to refer also to a unit trust scheme, collective investment scheme, cells of a protected cell company, Foundation, trust other than trust to which section 46(3) applies, non-resident société and any société holding a Global Business Licence under the Financial Services Act 2007 which has opted to be liable to income tax under section 47(6) [328*].

**50B. Advance Payment System**

(1) Subject to subsection(2) every company[329*]shall submit electronically to the Director-General, in respect of each APS quarter, an APS Statement in such form as may be approved by the Director-General and at the same time pay the tax in accordance with the APS Statement, as follows –

| ***Quarter*** | ***Income for the period*** | ***Due date for submission of APS Statement and payment of tax*** |
|---|---|---|
| First | 3 months commencing on the first day of the accounting year [330*] | within 3 months from the end of the month in which the first quarter ends [331*] |
| Second | 3 months immediately following the end of the first quarter | within 3 months from the end of the month in which the second quarter ends |
| Third | 3 months immediately following the end of the second quarter | within 3 months from the end of the month in which the third quarter ends |

(2)[332*] Where the APS quarter ends in the month of September, the due date for submission of the APS Statement and payment of tax shall be 2 days, excluding Saturdays and public holidays, before the end of December.

(2A) Where the APS quarter ends in the month of March, the due date for submission of the APS Statement and payment of tax shall be 2 days, excluding Saturdays and public holidays, before the end of June.[333*]

(3)[334*] Where a change in return date has been approved under section 118 and the period immediately following the old return date and ending on the new return date is a period exceeding 12 months, an APS statement shall be submitted in respect of the income year ending on the new return date for every period of 3 months commencing on the first day of that income year, the remaining period being covered in the return required to be submitted under section 116.

(4)[335*] 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 10 million rupees;or

[336]*

(b) it had no chargeable income.

(5)[337]*Where a company has an approved return date falling in the month of June and is required under this section to submit an APS Statement for the third quarter of an accounting year, it may opt to submit an APS Statement in respect of the fourth quarter.

(6)[338]*The due date for the submission of the APS Statement and payment of tax under subsection (5) shall be 30 September following the end of the quarter.

(7)[339]*Notwithstanding subsection (1) and subject to subsection (4), where a company which has an approved return date falling in the month of June submits an APS Statement under subsection (5), the due date for submission of the APS Statement and payment of tax for the first quarter of the succeeding accounting year shall be 31 January following the end of that quarter.

**50C. Ascertainment of chargeable income**

The chargeable income of a company in respect of an APS quarter shall, at the option of the company, be -

(a) deemed to be 25 per cent of the chargeable income of the company for the accounting year ending on a date immediately preceding the commencement of that quarter; or [340]*

(b) the difference between -

(i) the gross income for that quarter; and

(ii) the allowable deductions for that quarter including any allowable loss brought forward from the accounting year immediately preceding that quarter or from the previous quarter, as the case may be.

**50D. Calculation of tax**

(1) The income tax payable under section 50B shall be calculated on the chargeable income ascertained under section 50C at the appropriate rate applicable under Part II, III or IV of the First Schedule. [341]*

(2) Repealed [342]*

**50E. Return and payment of tax at end of income year [343]***

(1) Every company paying tax under this Sub -Part shall, at the end of an income year, submit to the Director-General the return required to be submitted under section 116.

(2) Where the amount of tax payable on the chargeable income in accordance with the return referred to in subsection (1) exceeds the sum of -

(a) the aggregate amount of any tax paid under this Sub-Part excluding any penalty under section 50F; and

(b) any amount of tax withheld under Sub -Part BA,

the company shall pay the difference at the time the return is submitted under section 116.

(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.

**50F. Penalty for late payment of tax under APS**

Where a company fails to pay any income tax due on or before the last day on which it is payable under section 50B it shall be liable to pay to the Director-General, in addition to the tax, a penalty of 5 per cent of the amount of tax remaining unpaid.

## Sub-Part AB - Special levy on banks[344]*

**50G. Interpretation**

In this Sub-Part -

"bank" -

(a) has the same meaning as in the Banking Act 2004; but

(b) does not include the Development Bank of Mauritius Ltd;

"book profit" means the profit computed in accordance with International Financial Reporting Standards;

"levy" -

(a) means the special levy referred to section 50H; and

(b) includes any penalty and interest imposed under this Act;

"net interest income" means interest income less interest expense;

"operating income" means the sum of net interest income and other income before deducting non-interest expense.

**50H. Liability to special levy**

(1) Subject to this section, every bank shall, in every year, be liable to pay to the Director-General a special levy calculated by reference to its book profit and its operating income derived during, or its chargeable income in respect of, the preceding year at the appropriate rates specified in subsection (2)[345*]

(2) The rates shall be in the year of assessment commencing on –[346*]

| | | |
|---|---|---|
| (a) (i) | 1 July 2009 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| (ii) | 1 January 2010 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| (iii) | 1 January 2011 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| (iv) | 1 January 2012 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |

(b) 1 January 2013, 3.4 per cent on book profit and 1.0 per cent on operating income;

(c) 1 January 2014 –[347*]

(i) with regard to its income derived from banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act, 3.4 per cent on book profit and 1.0 per cent on operating income;

(ii) with regard to its income derived from sources other than from transactions referred in subparagraph (i), 10 per cent on the chargeable income;

(d) 1 January 2015 –[348*]

(i) with regard to its income derived from banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act, 3.4 per cent on book profit and 1.0 per cent on operating income;

(ii) with regard to its income derived from sources other than from transactions referred in subparagraph (i), 10 per cent on the chargeable income;

(e) 1 July 2015, 1 July 2016, 1 July 2017 and 1 July 2018 –[349]*

(i) with regard to its income derived from banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act, 3.4 per cent on book profit and 1.0 per cent on operating income;

(ii) with regard to its income derived from sources other than from transactions referred in subparagraph (i), 10 per cent on the chargeable income.

(f) Repealed [350]*

(3) The levy under subsection (1) shall be paid at the time the Bank submits its return of income under section 116.

(4) Except where levy is computed on chargeable income, no levy shall be paid in a year where in the preceding year -[351]*

(a) the bank incurred a loss; or

(b) the book profit of the bank did not exceed 5 percent of its operating income.

## Sub-Part AC - Solidarity levy on telephony service providers [352]*

### 50I. Interpretation

In this Sub-Part –

"**operator**" -

(a) means a provider of public fixed or mobile telecommunication networks and services; and

(b) includes 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;

["***book profit***"] ***Definition deleted*** [353]*

"**accounting profit**" means the profit derived by an operator from all its activities and computed in accordance with the International Financial Reporting Standards;[354]*

"**levy**" -

(a) means the solidarity levy referred to in section 50J; and

(c) includes any penalty and interest imposed under this Act;

"**turnover**" means the gross receipts derived by the operator from all its activities.

**50J. Liability to solidarity levy**

(1) Subject to this section, every operator shall be liable to pay to the Director-General a solidarity levy calculated by reference to its accounting profit and turnover in respect of the preceding year at the rate specified in subsection (2).[355]*

(2)[356]* The levy under subsection (1) shall be calculated at the rate of 5 per cent of the book profit and 1.5 per cent of the turnover of the operator in respect of each of the years of assessment commencing on 1 July 2009, 1 January 2010, 1 January 2011, 1 January 2012, 1 January 2013, 1 January 2014, 1 January 2015, 1 July 2015, 1 July 2016, 1 July 2017, 1 July 2018 and 1 July 2019.

(2A) The levy under subsection (1) shall be calculated at the rate of 5 per cent of the accounting profit and 1.5 per cent of the turnover of the operator in respect of the year of assessment commencing on 1 July 2020, 1 July 2021, 1 July 2022 and 1 July 2023.[357]*

(2B) The levy under subsection (1) shall be calculated at the rate of 5 per cent of the accounting profit and one per cent of the turnover of the operator in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment [358]*.

(2C) For the purpose of subsection (1), where the operator has incurred a loss in a year, the levy shall be calculated at the rate of one per cent of its turnover [359]*.

(3) The levy under this section shall be paid at the time the operator submits its return of income under section 116.

(4) Repealed [360]*

## Sub-Part AD - Corporate Social Responsibility [361]*

### 50K. Interpretation[362]*

In this Sub-Part -

"**company**" has the same meaning as in section 2 but does not include [363]*

(a) a company holding a Global Business Licence under the Financial Services Act;

(b) a bank holding a banking licence under the Banking Act, in respect of its income derived from its banking transactions with -

(i) non-residents; or

(ii) corporations holding a Global Business Licence under the Financial Services Act;

(c) an IRS Company referred to in the Investment Promotion (Real Estate Development Scheme) Regulations 2007;

(d) a non-resident société, a Foundation, a trust or a trustee of a unit trust scheme;[364]*

(e) a company issued with a certificate as a freeport operator or private freeport developer under the Freeport Act, in respect of income derived from export; and[365]*

(f) a REIT;[366]*

"**CSR**" means Corporate Social Responsibility.

**"société" –** [367]*

(a) means a société formed under any enactment in Mauritius; and

(b) includes –

(i) a société commerciale;

(ii) a société de fait or a société en participation;

(iii) a limited partnership; or

(iv) a société or partnership formed under the law of a foreign country;

## 50L. CSR Fund[368]*

(1) Subject to subsection (1A), every company, in every year, set up a CSR Fund equivalent to 2 per cent of its chargeable income of the preceding year.[369]*

(1A) Subsection (1) shall not apply to a company with respect to an income year where, for the preceding income year, the company has elected to pay a presumptive tax under section 111V.[370]*

(2) (a) An amount equal to the percentage of the CSR Fund, as specified in the following table, shall be remitted to the Director-General – [371]*

| | Percentage to be remitted to the Director-General |
|---|---|
| CSR Fund set up on or after 1 January 2017 up to 31 December 2018 | At least 50% |
| CSR Fund set up on or after 1 January 2019 | At least 75% |

(b) The remainder shall be used by the company –

(i) in respect of a CSR Fund set up before 1 January 2019, to implement a CSR Programme in accordance with its own CSR Framework;

(ii) in respect of a CSR Fund set up on or after 1 January 2019, to implement a CSR Programme or finance a non-governmental organisation implementing a CSR Programme in the priority areas of intervention as specified in Part A and Part AA of the Tenth Schedule.[372]*

(3) No CSR money shall be spent by a company in respect of the activities specified in Part B of the Tenth Schedule.

(4) The amount referred to in subsection (2)(a) shall be remitted to the Director-General as follows – [373]*

(a) in the case of a company required to submit an APS Statement under Sub-part AA –

(i) for the first three quarters, 25 per cent for each of the quarters together with the APS Statement required to be submitted under section 50B; and

(ii) for the last quarter, 25 per cent at the time the company submits its annual return under section 116;

(b) in the case of a company which is not required to submit an APS Statement under section 50B(4), together with its annual return under section 116 or 119.

(5) Where, in respect of a year of assessment,the Director-General has reason to believe that money has not been spent in respect of a CSR Fund as specified in subsection (2)(b), he may raise an assessment under section 129.[374]*

(6) Any amount unspent under subsection (2)(b) shall be remitted to the Director-General, together with the company's annual return under section 116 or 119.

(7) Subject to subsection (7A), the Authority as soon as is practicable, remit any sum collected under subsections (2)(a) and (6) to the Accountant-General for onward remittance of 200 million rupees to the Solidarity Fund.[375]*

(7A) For the period starting on 1 July 2024 and ending on 30 June 2025, the Authority shall, as soon as is practicable, pay an amount of one billion rupees from the sum collected under subsections (2)(a) and (6) to the Consolidated Fund after deducting the amount referred in subsection (7).[376]*

(7B) In case the amount referred to in subsections (2)(a) and (6), after deducting the amount referred to in subsection (7), is more than one billion rupees, the remaining amount shall be remitted to the National Social Inclusion Foundation.[377]*

(7C) In case the amount referred to in subsections (2)(a) and (6), after deducting the amount referred to in subsection (7), is less than one billion rupees, the difference shall be credited in the Consolidated Fund for the period starting on 1 July 2025 and ending on 30 June 2026.[378]*

(8) This Sub-part shall apply to a resident société, other than a resident société holding a Global Business Licence under the Financial Services Act, as it applies to a company, and its net income shall be deemed to be its chargeable income and any distribution of its net income shall, for the purpose of this Subpart, be deemed to be dividends.

(9) **Repealed** [379]*

(10) Subject to subsection (11), the amount to be remitted to the Director-General under subsection (2) may be reduced by an amount not exceeding 25 per cent of the CSR Fund set up on or after 1 January 2019 where the company intends to use such an amount to finance a CSR programme which has started before 1 January 2019 and which is in accordance with the guidelines set by the National Social Inclusion Foundation.[380]*

(11) The amount to be remitted to the Director–General shall only be reduced where the company receives the prior written approval of the National Social Inclusion Foundation.

(12) Notwithstanding any other provisions of this Act, any amount of CSR payable under this Sub-part shall not be reduced by any credit which may be available under this Act.

(13) Notwithstanding the other provisions of this Act, this Sub-part shall also apply to the exempt income of a company under items 11,11A, 13, 26, 28 to 32 and 34 to 38 of Part II of Sub-part C of the Second Schedule and any other items in the Second Schedule as may be prescribed and that exempt income shall be included in its chargeable income for the purpose of this Sub-part.[381]*

(14) For the purpose of subsection (1), where a freeport operator or private freeport developer is engaged in the sale of goods on the local market, CSR fund shall be calculated using the formula set out below –

$$\frac{a}{b} \times c \times 2 \text{ per cent}$$

where –

a is the gross income derived from sale of goods on the local market for the preceding year

b is the gross income derived from all the activities of the freeport operator or private freeport developer for the preceding year

c is the chargeable income for the preceding year[382]*

(15) Nothing in this section shall prevent the functions of the National Social Inclusion Foundation from being performed by the National CSR Foundation for so long as the National CSR Foundation is in existence.[383]*

(16) In this section [384]* –

"Solidarity Fund" has the same meaning as in section 150F(1).

**50LA. Contributions to Film Promotion Fund** [385]*

(1) The Director-General shall, as soon as practicable, remit into the Film Promotion Fund –

(a) the tax paid yearly under this Act by film production and film studio companies and their employees;

(b) the tax withheld periodically under this Act by film production companies; and

(c) such percentage of the total income tax paid yearly to the Director-General, as may be prescribed.

(2) In this section –

"**Film Promotion Fund**" means the Film Promotion Fund established under section 28A of the Economic Development Board Act 2017.

**50M. [***One-off charge on banks***] Repealed [386]***

## Sub-Part AE – Corporate Climate Responsibility (CCR) levy[387]*

**50N. Interpretation[388]***

For the purpose of this Sub-part –

"CCR" means Corporate Climate Responsibility;

"chargeable income" has the same meaning as in section 2 and in the case of an insurance company paying tax under section 50(1A)(b), shall be the relevant profit as defined in subsection 50(1B);

"company" includes a société;

"turnover" means gross income, including any exempt income, derived by a company from all its sources.

**50O. Liability to CCR Levy[389]***

(1) Subject to this Sub-part, every company shall, in every year, be liable to pay to the Director-General a CCR Levy equivalent to 2 per cent of its chargeable income.

(2) The levy under subsection (1) shall be paid in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment as follows –

(a) in the case of a resident société, together with its annual return under section 119; and

(b) in any other case together with the company's annual return under section 116.

(3) No CCR Levy shall be payable by a company under subsection (1) with respect to a year of assessment, where the turnover of the company for that year of assessment does not exceed 50 million rupees.

(4) This Sub-part shall apply to a resident société as it applies to a company, and its net income shall be deemed to be its chargeable income and any distribution of its net income shall, for the purpose of this Sub-part, be deemed to be dividends.

## Sub-Part B - Gross Income

### 51. Income included in gross income

Subject to the other provisions of this Act, the gross income of a company shall include the income referred to in section 10(1)(b), (c), (d) and (g).[390]*

### 51A. *[Gains derived by company]* Repealed [391]*

### 52. Income received in anticipation

The provisions of section 12 shall apply in all respects to a company as they apply to an individual.

### 53. Valuation of trading stock

The provisions of section 13 shall apply in all respects to a company as they apply to an individual.

### 54. Transfer of trading stock with other assets or for inadequate consideration

The provisions of section 14 shall apply in all respects to a company as they apply to an individual.

### 55. Deemed income arising from expenditure or loss discharged

The provisions of section 15 shall apply in all respects to a company as they apply to an individual.

### 56. Apportionment of income on incorporation and disincorporation

The provisions of section 16 shall apply in all respects to a company as they apply to an individual.

## Sub-Part C - Allowable Deductions

### 57. Expenditure incurred in the production of income

The provisions of Sections 18, 24A, 24B, 27DA, 27H and 27J shall apply in all respects to a company as they apply to an individual.[392]*

### 58. Expenditure incurred on interest in the production of income

The provisions of section 19 shall apply in all respects to a company as they apply to an individual.

## 59. Losses [393]*

(1) Where a company satisfies the Director-General that it has, in an income year incurred a loss, it may deduct that loss in computing its net income for that income year.

(2) Where the amount of loss cannot be fully relieved under subsection (1), the company may, subject to subsection (3), claim that the unrelieved amount of the loss be carried forward and set-off against its net income derived in the following 5 income years, subject to such conditions as may be prescribed.

(3) The time limit of 5 years referred to in subsection (2) shall not apply for the carrying forward of any amount of loss that is attributable to –

(a) annual allowance claimed in respect of capital expenditure incurred on or after 1 July 2006;

(b) a deduction claimed under sections 64, 65 and 161A(55).[394]*

(4) Where the Director -General is not satisfied with a claim for loss made by a person under this section, the Director-General shall determine the quantum of the loss available for set - off or carry forward and shall give notice of his determination to the person.[395]*

(5) Where loss available for set-off or carry forward has been determined under subsection (4) and it is subsequently found that the loss determined has been overstated, the Director-General may make another determination of the quantum of loss and give notice of his determination to the person referred to in subsection (4).[396]*

(6) Where any person is dissatisfied with a determination by the Director-General under subsection (4) or (5), he may object to the determination in the manner provided in section 131C.

## 59A. [397]*Transfer of loss on takeover or merger [398]*

(1) [399]*Notwithstanding the other provisions of this Act, where – [400]*

(a) a company takes over another company engaged in manufacturing activities;

(b) 2 or more companies engaged in manufacturing activities merge into one company;

(c) a company takes over, or acquires the whole or part of the undertaking of another company and the Minister has deemed such a take-over or transfer of undertaking to be in the public interest,

any unrelieved loss of the acquiree may be transferred to the acquirer in the income year in which the takeover or merger takes place, on such conditions relating to safeguard of employment or on such other terms and conditions as may be approved by the Minister.

(2) Any unrelieved loss transferred under subsection (1) shall be deemed to be incurred by the acquirer in the income year in which the loss is transferred and shall be available for set-off against the net income of the acquirer.

(3) [401]*Where, at any time before the expiry of 3 years from the date of the takeover or merger, more than 50 per cent of the number of employees of the acquiree taken over by the acquirer or of the employees of both the acquiree and the acquirer, as the case may be, are made redundant, any loss transferred under subsections (1) and (3A) shall be withdrawn and the amount of the loss so withdrawn shall be deemed to be the gross income of the acquirer in the income year in which the employees are made redundant.

(3A)[402]*Notwithstanding section 59(2), where there is a change in the shareholding of more than 50 per cent in a manufacturing company or in a company facing financial difficulty which has accumulated unrelieved losses, the losses may be carried forward, provided the Minister is satisfied that the conditions relating to safeguard of employment or other conditions that the Minister may impose are complied with.

(4) For the purposes of this section -[403]*

"acquiree" means a company of which the assets and liabilities have been acquired by another company through a takeover or merger;

"acquirer" means a company which has acquired the assets and liabilities of another company by means of a takeover or merger.

**59B. Offset and carry forward of investment tax credit [404]***

A company to which sections 24(7) or (8) apply may –

(a) in respect of the investment tax credit referred to in sections 24(7) or (8) carry forward the investment tax credit for a period of 6 consecutive years from the income year in which the investment was made;

(b) offset the investment tax credit against past tax liability but no refund will be made in respect of tax already paid or 30 per cent of assessed tax paid on objection, without prejudice, however, to such amount being carried forward and offset by that company against income tax payable as from 1 September 2016;

(d) offset the investment tax credit against the past tax liability if the amount to be paid is still currently under dispute, provided that those sections shall not apply to a company which has a dispute pending before any court or other judicial or quasijudicial body that may

involve the application of those sections unless the company withdraws or otherwise abandons such dispute.

**60. Bad debts and irrecoverable sums**

(1) Subject to subsection (3), a company which derives gross income specified in section 10(1)(b) in an income year may deduct -

(a) the amount of a debt or sum which is proved to have become bad and to have been actually written off as a bad debt by the company in that income year; and

(b) in the case of a bank, the amount of any irrecoverable loan due by -

(i) a small enterprise or a medium enterprise registered under the repealed Small and Medium Enterprises Development Authority Act or under the Small and Medium Enterprises Act 2017; and [405]*

(ii) a company in liquidation in respect of which winding- up procedures have started.[406]*

(2) Subject to subsection (3), a company which derives gross income, other than gross income specified in section 10(1)(b), may deduct any debt or sum not received in an income year but which is deemed to be derived in that income year and which is proved to have become irrecoverable by the company.

(3) Any amount allowed as a deduction under subsections (1) and (2) which is subsequently received by the company shall be deemed to be gross income derived in the income year in which it is received.

**61. Contributions to superannuation fund**

The provisions of section 22 shall apply in all respects to a company as they apply to an individual.

**62. Pensions to former employees**

(1) Subject to subsection (2), the Director-General may, in the case of a company deriving gross income specified in section 10(1)(b) allow a deduction in respect of any amount which is not deductible otherwise than under this section and which, in the opinion of the Director-General, is reasonable in the particular circumstances of the case, paid by the company in that income year by way of a pension to any former employee in the business of the company, or to the surviving spouse of that employee, in consideration of the past services of that employee in that business of the company, where the Director-General is satisfied that –

(a) the pension is receivable by the recipient -

(i) by virtue of any enactment;

(ii) as of right under a written document for a fixed period or for life;

(iii) in the case of the surviving spouse, for a fixed period or for life or until he or she remarries; or

(iv) on grounds which the Director-General determines to be compassionate grounds; and

(b) except in the case of the death of the employee while in the employment of the company, the employee did not retire from his employment before attaining the appropriate retiring age.

(2) This section shall not apply where -

(a) the employee was or is a director of the company and was not in the full-time employment of the company; or

(b) in any other case, because of any relationship to or with the employer or otherwise the former employee or the surviving spouse had or has, in the opinion of the Director-General, any control in relation to the payment of the pension by the company.

**63. Annual allowance**

The provisions of section 24 shall apply in all respects to a company as they apply to an individual.

**64. Expenditure incurred on deep ocean water air conditioning [407]***

(1) Where, in an income year, a company incurs expenditure on deep ocean water air conditioning, it may deduct, from its gross income, twice the amount of such expenditure incurred in that income year.

(2) The deduction under subsection (1) shall be allowed for 5 consecutive income years starting as from the year in which the expenditure is incurred.

**64A. [***Additional investment allowance* **]** repealed [408]*

**65. Expenditure incurred on water desalination plant [409]***

(1) Where, in an income year, a company incurs expenditure for the acquisition and setting up of a water desalination plant, it may

deduct, from its gross income, twice the amount of such expenditure incurred in that income year.

(2) Where a company claims a deduction in respect of a water desalination plant under this section, it shall not be entitled to annual allowance in respect of that plant under section 63.

**65A. Expenditure incurred on artwork [410]***

(1) Notwithstanding section 57 but subject to this section, where a company which is not a dealer in artwork incurs in an income year expenditure on the acquisition of an artwork for display in a conspicuous place on its business premises, it shall be allowed, in that income year, a deduction from its gross income in respect of the expenditure incurred.

(2) Subsection (1) shall apply where the artwork is acquired from an artist who is a member of the Mauritius Society of Authors established under the Copyright Act.

(3) The deduction under subsection (1) shall not, in the aggregate, exceed 500,000 rupees over a period of 3 consecutive income years.

(4) Where the artwork in respect of which a deduction is allowed under subsection (1) is not displayed during or sold within a period of 3 years from the date of acquisition, the expenditure allowed shall be deemed to be the gross income in the year in which it is sold or ceases to be displayed, as the case may be.

**65B. Expenditure incurred on specialised software and systems[411]***

(1) Subject to subsection (2), where, in an income year, a company incurs expenditure for the acquisition of specialised software and systems, it may deduct, from its gross income, twice the amount of such expenditure incurred in that income year.

(2) Where a company claims a deduction in respect of specialised software and systems under this section, it shall not be entitled to annual allowance in respect of the expenditure under section 63.

(3) In this section –

"specialised software and systems" means such software and systems as may be prescribed.

**65C. Expenditure incurred to support artists[412]***

(1) Notwithstanding section 57 but subject to this section, where, in an income year, a company incurs expenditure to support the work of a professional in the Arts, it may deduct, from its gross income of that income year, twice the amount of such expenditure.

(2) In this section –

"expenditure" means any expenditure which would be allowable to a professional in the Arts in accordance with sections 18 and 26;

"professional in the Arts" has the same meaning as in the Status of the Artist Act 2023.

**66. Donation to charitable institutions [413]***

(1) Subject to subsection (2), where in an income year, a company has made a donation through electronic means to a charitable institution which is involved in –

(a) supporting persons with health issues and disabilities;

(b) protection or rehabilitation of street children; or

(c) animal welfare and protection,

it shall be allowed, in that income year, a deduction from its gross income of an amount representing thrice the amount of such donation.

(2) The amount of deduction allowed under subsection (1) shall not exceed one million rupees in an income year.

**66A. Donation to NGO[414]***

(1) Subject to subsection (2), where in an income year, a company has made a donation through electronic means to an NGO which is involved in –

(a) combatting drug abuse;

(b) prevention of gender-based violence; or

(c) poverty alleviation,

it shall be allowed, in that income year, a deduction from its gross income of an amount representing thrice the amount of such donation.

(2) The amount of deduction allowed under subsection (1) shall not exceed one million rupees in an income year.

(3) In this section –

"NGO" means a Non-Government Organisation registered with the Director-General on such terms and conditions as he may determine.

**67. Investment in crèches [415]***

(1) (a) Notwithstanding section 57, where, in an income year, a company incurs capital expenditure on a crèche or the cost of

setting up a Child Day Care Centre for the benefit of its employees, it may be allowed a deduction from its gross income of twice the amount of such expenditure in that income year [416]*.

(b) Where a company claims a deduction in respect of a crèche or Child Day Care Centre under this section, it shall not be entitled to annual allowance in respect of that crèche or Child Day Care Centre under section 63 [417]*.

**67A.** **[***Marketing and promotional expenses***]** repealed [418]*

**67B.** **[***Contributions to sports clubs and sports training centres* **]** repealed [419]*

**67C.** ***[****Contributions to the National Solidarity Fund and Prime Minister's Children's Fund* ***]*** repealed [420]*

**67D.** ***[****Contributions to employees' share scheme* ***]*** repealed [421]*

**67E.** ***[*** *Investment in start-up companies* ***]*** repealed [422]*

**67F.** **[*Expenditure incurred in the setting up of social infrastructure]* repealed[423]***

**67G.** **[*Contributions to the national ambulance services ]* repealed**

**67H. Expenditure incurred by hotels on cleaning, renovation and embellishment works**

Notwithstanding section 57, a company operating a hotel may, in an income year, deduct from its gross income an amount equal to 150 per cent of any expenditure incurred in that income year on cleaning, renovation and embellishment works in the public realm.[424]*

*Note: No section* ***67I.*** *exists in the Finance Act No.13 of 2019.*

**67J. Expenditure incurred for arbitration, conciliation or mediation under an Alternative Dispute Resolution Mechanism[425]***

(1) Notwithstanding section 57 but subject to this section, where, in an income year, a company makes an application for arbitration, conciliation or mediation for the settlement of a dispute before a recognised arbitration institution in Mauritius and has incurred expenditure in respect of filing fees, it shall in that income year be allowed a deduction of an amount equivalent to 150 per cent of the expenditure so incurred from its gross income.

(2) For the purpose of subsection (1) –

"filing fee" means the payment required to be made on filing a request for arbitration, conciliation or mediation;

"recognised arbitration institution" includes the Mauritius International Arbitration Centre (MIAC), MCCI Arbitration & Mediation Centre (MARC) or the Mediation Division of the Supreme Court of Mauritius.

**67K. Expenditure incurred on patents and franchises[426]***

(1) Where, in an income year, a company incurs –

(a) expenditure for the acquisition of patents and franchises; and

(b) costs to comply with international quality standards and norms,

it may deduct, from its gross income, twice the amount of such expenditure incurred in that income year.

(2) Where a company claims a deduction in respect of patents and franchises under this section, it shall not be entitled to annual allowance in respect of those patents and franchises under section 63.

**67L. Expenditure incurred by manufacturing companies on products manufactured locally by small enterprises[427]***

(1) Where a manufacturing company whose annual turnover exceeds 100 million rupees in an income year incurs any expenditure on the direct purchase of products manufactured locally by small and medium enterprises whose turnover does not exceed 100 million rupees, it shall be allowed, in that income year, an additional deduction of the amount of expenditure so incurred.[428]*

(2) The deduction allowable under subsection (1) shall be –[429]*

(a) 10 per cent of the amount of expenditure incurred during the period starting on 1 July 2021 and ending on 30 June 2022; and

(b) 25 per cent of the amount of expenditure incurred as from 1 July 2022.

**67M. Tax credit to medical, biotechnology or pharmaceutical companies[430]***

(1) Subject to this section, where a manufacturing company engaged in medical, biotechnology or pharmaceutical sector has incurred in an income year capital expenditure for the acquisition of patents, it shall be allowed a tax credit by way of deduction from the income tax otherwise payable by it of an amount equal to 100 per cent of the expenditure so incurred.

(2) Subject to subsection (3), where the deduction under subsection (1) in respect of an income year exceeds the amount of income tax

otherwise payable for that income year, the excess may be carried forward to the following income year.

(3) No deduction under subsection (2) in respect of an expenditure shall be carried forward beyond a period of 5 consecutive income years starting from the income year in which the expenditure was made.

(4) Where a tax credit under subsection (1) has for any income year been allowed and within 5 years following that income year –

(a) the company ceases to be engaged wholly or mainly in the qualifying activity; or

(b) the company sells or otherwise transfers the patent,

an amount equal to the tax credit or the proportionate part of the tax credit allowed under this section shall be included in the income tax payable by the company in the income year in which the cessation, sale or transfer takes place.

(5) The tax credit allowed under this section shall be in addition to the allowances to which the company is entitled under section 63.

(6) No tax credit shall be allowed under this section to a company where a deduction under section 67K has been claimed.

**67N. Expenditure on international accreditation[431]***

Where a company is registered as a health institution under the Private Health Institutions Act, it may, in an income year, deduct from its gross income twice the amount of any direct expenditure incurred in that income year relating to international accreditation.

**67P. Market research and product development[432]***

(1) Subject to subsection (2), where, in an income year, a manufacturing company having an annual gross income derived from exports of goods not exceeding 500 million rupees, incurs expenditure on market research and product development, it may deduct, from its gross income, twice the amount of such expenditure incurred in that income year [433]*.

(2) Where a company claims a deduction under this section, it shall not be entitled to annual allowance in respect of that expenditure under section 63.

**67Q. Joint tertiary education with African universities [434]***

(1) Where, in an income year, a higher education institution registered under the Higher Education Act enters into contract with an African

University to provide joint tertiary education for the final year of a course in Mauritius, it may deduct from its gross income, twice the amount of any expenditure incurred in that income year on costs so incurred in connection for the conclusion of the contract with the African University.

(2) In this section –

"costs" –

(a) includes marketing cost, cost of hiring consultants and such other costs as the Economic Development Board may approve; but

(b) does not include any cost of a capital nature.

**67R. Participation in approved films[435]***

A company incorporated in Mauritius may, in an income year, deduct from its gross income, twice the amount of any expenditure incurred in the financing, sponsorship, marketing or distribution of a film provided that the film –

(c) has been approved under the Film Rebate Scheme under the Economic Development Board Act; and

(d) after post-production, is made up of at least 90 per cent of the principal photography of Mauritius, as certified by the Economic Development Board.

**67S. Tax credit on corporate nurseries[436]***

(1) Subject to this section, where a company has incurred in an income year, capital expenditure in respect of a crèche or the cost of setting up a Child Day Care Centre for the benefit of its employees, it shall be allowed a tax credit by way of deduction from the income tax otherwise payable by it in that income year of an amount equal to 25 per cent of the expenditure so incurred.

(2) Subject to subsection (3), where the deduction under subsection (1) in respect of an income year exceeds the amount of income tax otherwise payable for that income year, the excess may be carried forward to the following income year.

(3) No deduction under subsection (2) in respect of an expenditure shall be carried forward beyond a period of 5 consecutive income years starting from the income year in which the expenditure was made.

(4) Where a tax credit under subsection (1) has, for any income year, been allowed and within 5 years following that income year –

(a) the company ceases the operation of the crèche or the Child Day Care Centre; or

(b) the company sells or otherwise transfers the crèche or the Child Day Care Centre,

an amount equal to the tax credit or the proportionate part of the tax credit allowed under this section shall be included in the income tax payable by the company in the income year in which the cessation, sale or transfer takes place.

(5) The tax credit allowed under this section shall be in addition to the allowances to which the company is entitled under section 63 and the deduction under section 67.

**68. Unauthorised deductions**

The provisions of section 26 shall apply in all respects to a company as they apply to an individual.

**Sub-Part D [ Tax Credits ] – deleted[437*],[438*],[439*],[440*]**

## PART V - INTERNATIONAL ASPECTS OF INCOME TAX

**73. Definition of residence [441*]**

(1) For the purposes of this Act, "resident", in respect of an income year, when applied to -

(a) an individual, means a person who -

(i) has his domicile in Mauritius unless his permanent place of abode is outside Mauritius;

(ii) has been present in Mauritius in that income year, for a period of, or an aggregate period of, 183 days or more; or

(iii) has been present in Mauritius in that income year and the 2 preceding income years, for an aggregate period of 270 days or more;[442*]

(b) a company, means a company which -

(i) is incorporated in Mauritius; or

(ii) has its central management and control in Mauritius;

(c) a société -

(i) means a société which has its seat or *siège* in Mauritius; and

(ii) includes a société which has at least one associate or *associé* or *gérant* resident in Mauritius;

(d) a trust, means a trust -

(i) where the trust is administered in Mauritius and a majority of the trustees are resident in Mauritius; or

(ii) where the settlor of the trust was resident in Mauritius at the time the instrument creating the trust was executed;

(da) a Foundation, means a Foundation which – [443]*

(i) is registered in Mauritius; or

(ii) has its central management and control in Mauritius;

(e) any other association or body of persons, means an association or body of persons which is managed or administered in Mauritius.

(2) Where a person wishes to be certified as a resident in Mauritius in respect of an income year, he should apply to the Director-General for a Tax Residence Certificate.[444]*

(3) The Tax Residence Certificate under subsection (2) shall be issued within a period of 7 days from the date of the application, provided that the person has submitted the return required to be submitted under section 112 or 116, as the case may be, and paid such service fee as may be prescribed.[445]*

**73A. Companies treated as non-resident in Mauritius** [446]*

(1) Notwithstanding section 73, a company incorporated in Mauritius shall be treated as non-resident if it is centrally managed and controlled outside Mauritius.

(2) A company referred to in subsection (1) shall submit a return of income as required under section 116.

**73B. Premium visa**

(1) Notwithstanding sections 5, 73 and 74 but subject to subsection (2), where an individual holding a premium visa derives income for work performed remotely from Mauritius, that income shall be deemed to be derived by him in Mauritius when it is remitted in Mauritius.

(2) Where a holder of a premium visa spends money in Mauritius through the use of his foreign credit or debit card, the amount so spent shall be deemed not to have been remitted in Mauritius.

(3) Where a holder of a premium visa deposits money in a bank account in Mauritius, he shall be liable to income tax on such deposits unless a declaration is made to the effect that the required tax has been paid on that income in his country of origin or residence.

(4) **Repealed[447]***

## 74. Income derived from Mauritius

(1) Subject to subsection (2), income derived from Mauritius shall include -

(a) emoluments derived from any office or employment, the duties of which are performed wholly or mainly in Mauritius, whether such emoluments are received in Mauritius or not;

(aa) directors' fees and any other similar payments derived by any person in his capacity as a member of the board of directors of a company which is resident in Mauritius, whether the services are performed in, or from outside, Mauritius;[448]*

(b) annuity, pension including a pension in respect of past services referred to in sections 23 and 62;

(c) income derived from any business carried on wholly or partly in Mauritius;

(d) income derived from any contract wholly or partly performed in Mauritius;

(e) income derived by a person in his capacity as owner of any immovable property in Mauritius;

(f) income derived from investment in shares in a company resident in Mauritius, debentures or other securities in Mauritius;[449]*

(g) income derived by a person from money lent by him -

(i) in Mauritius; or

(ii) outside Mauritius to -

(A) a resident, other than a resident banking company, except where the money lent is used by

the resident for the purpose of a business carried on by him outside Mauritius through a fixed establishment outside Mauritius; or

(B) a non-resident, if the money lent is used by the non-resident for the purpose of a business, other than the business of money-lending, carried on by him in Mauritius through a permanent establishment in Mauritius;

(h) premium or other like payment which is derived from property in Mauritius; and [450*]

(i) income derived directly or indirectly from any other source in Mauritius[*; and*].

[(j)] [451*] deleted

(2) Where by reason of -

(a) the manufacture, production, or purchase of goods in one country and their sale in another;

(b) successive steps of production or manufacture in different countries;

(c) the making of a contract in one country and its performance in another; or

(d) any other cause,

the source of any income, other than income referred to in subsection (1)(e), is not exclusively in Mauritius, that income shall be apportioned between its source in Mauritius and its source elsewhere, or attributed to one of such sources to the exclusion of the other, in such manner as the Director-General thinks fit, having regard to the nature and relative importance of the source of that income, and the income so apportioned or attributed to a source in Mauritius shall be regarded as derived from Mauritius.

(3) For the purposes of subsection (1)(g), "money lent" includes -

(a) any money advanced, deposited or otherwise let out, whether on current account or otherwise; and

(b) any credit given, including the forbearance of a debt, whether on current account or otherwise.

**74A. Income derived outside Mauritius**[452*]

(1) Notwithstanding section 74(2) but subject to subsection (2), where in an income year, a person who carries business outside Mauritius has an employee performing work remotely from Mauritius, any gross income attributable to the work performed by that employee in Mauritius shall be reckoned as income derived by that person from Mauritius in that income year.

(2) Subsection (1) shall not apply where –

(a) the employee is a holder of a premium visa; and

(b) the core business activities of the person are outside Mauritius.

**75. Application of arm's length test**

(1) This section shall apply to any case where -

(a) any business or other income earning activity carried on in Mauritius or from Mauritius -[453]*

(i) is controlled by a non-resident; or

(ii) is carried on by a non-resident company or by a company in which more than one half of the shares are held by or on behalf of a non-resident; or

(b) in the carrying on of any business or other income earning activity in Mauritius or from Mauritius any person controlling that business or activity, by reason of his relationship or otherwise with any other person, is not in the opinion of the Director-General at arm's length with that person with respect to any commercial or financial transaction; and[454*]

(c) it appears to the Director-General that the business or other income earning activity in Mauritius or from Mauritius produces no net income or less than the amount of net income which in the opinion of the Director-General might be expected to be derived from that business or activity.[455*]

(1A) For avoidance of doubt, subsection (1) shall apply to all business or income earning activities carried out in Mauritius or from Mauritius since the commencement of this Act.[456]*

(2) Where the conditions specified in subsection (1) are satisfied, the net income of any person carrying on a business or other income earning activity in Mauritius or from Mauritius shall be the amount which the Director-General determines would have been derived from that

business or activity, had all its commercial and financial transactions and relations been wholly at arm's length.[457]*

(3) The Minister may make such regulations as he thinks fit for the purposes of this section.

## 76. International arrangements[458]*

(1) The Minister may enter into arrangements with the government of a foreign country -

(a) with a view to affording relief from double taxation in relation to foreign tax imposed by the laws of that country and taxes of every kind and description covered under the arrangement; [459]*

(b) for the exchange of information with a view to assisting -

(i) in the determination of credits and exemptions in respect of taxes of every kind and description, and foreign tax, covered under the arrangement; or [460]*

(ii) in the prevention of fraud;

(iii) Repealed[461]*

(c) with a view to assisting in the administration of the laws in relation to taxes of every kind and description, and foreign tax, covered under the arrangement;[462]*

(d) for the purpose of alternative dispute resolution with a view to resolving cross-border tax disputes; or[463]*

(e) with a view to implementing internationally agreed standards to prevent base erosion and profit shifting.[464]*

(2) Notwithstanding this Act or any other enactment but subject to the other provisions of this section, an arrangement entered into under subsection (1) shall have effect in relation to taxes of every kind and description covered under the arrangement and according to its tenor. [465]*

(3) An arrangement under subsection (1) may contain provision in relation to foreign tax and taxes of every kind and description covered under the arrangement- [466]*

(a) for relief from tax;

(b) for assessing the income derived from sources in Mauritius by non-residents;

(c) for determining the income to be attributed to non-residents and their agencies, branches, or establishments in Mauritius;

(d) for determining the income to be attributed to residents who have special relationships with non-residents;

(e) for relief from tax for periods before the commencement of this Act or before the making of the arrangement;

(f) as to income which is not itself subject to double taxation; and

(g) for exchange of information in respect of any person not resident in Mauritius.[467]*

(4) An arrangement under subsection (1) may at any time be amended or revoked by a subsequent arrangement, and the subsequent arrangement may contain such transitional provision as appears to the Minister to be necessary or expedient.

(5) Where an arrangement is made under subsection (1), the obligations as to secrecy imposed under any Revenue Law shall not prevent the Director-General from disclosing to an officer authorised by the government with which the arrangement is made such information as is required to be disclosed under the arrangement.[468]*

(5A) For the implementation of an arrangement under subsection (1) – [469]*

(a) the Director-General may require any person to –

(i) establish, maintain and document such due diligence procedures as the Director-General may determine;

(ii) provide the Director-General with information of a specified description;

(iii) maintain such records in such form and in such manner as the Director-General may determine;[470]*

(b) any information required under subparagraph (ii), in respect of such period as the Director-General may determine, shall be provided to the Director-General at such time and in such form and manner as he may determine.

(5B) (a) The Director-General may issue directions, instructions or guidelines to any person to ensure compliance with any arrangement made pursuant to this section.[471]*

(b) Any person who fails to comply with any direction, instruction or guideline shall commit an offence.

(6) The Minister may make such regulations as he thinks fit to give effect to any arrangement entered into under this section and to implement internationally-agreed measures to address the tax challenges arising from the digitalisation of the economy.[472*]

**76A. Arrangements for assistance in the recovery of foreign tax [473]***

The Minister may enter into arrangements with the Government of a foreign country for the purposes of providing assistance in the collection and recovery of foreign tax in the same manner as is provided under Part XI.

**77. Credits in respect of foreign tax**

(1) Where a taxpayer derives income which is subject to foreign tax, the amount of foreign tax so paid shall be allowed as a credit against income tax payable in Mauritius in respect of that income.

(2) The credit in respect of foreign tax shall, in the case of a dividend, include credit for any foreign tax imposed on the profits out of which that dividend is directly or indirectly paid.

(3) The Minister may, by regulations, provide for the implementation of the provisions of this section and for the granting of credit for foreign tax in such manner and on such conditions as he thinks fit.

(4) No credit shall be allowed under this section in respect of foreign source income where –

(a) the person has claimed a partial exemption in respect of that income under Part II of the Second Schedule;[474]*

(b) the foreign source income is subject to tax under section 44C.[475]*

## PART VI - AGENTS, ABSENTEES AND NON-RESIDENTS AND DECEASED PERSONS

**78. Liability of principal not affected**

(1) Nothing in this Act relating to an agent shall be construed so as to release the principal from liability to make returns and pay income tax, and the principal and agent shall be jointly and severally liable for the income tax.

(2) Where 2 or more persons are liable as agents in respect of the same income tax, they shall be jointly and severally liable for it.

**79. Provisions applying to agents**

Subject to this Act, every agent shall -

(a) be answerable for the doing of all such things as are required to be done under this Act in respect of the income derived by him in his representative capacity, or derived by the principal by virtue of the agency, and for the payment of income tax on it;

(b) in respect of that income, make returns and be liable on that income but in his representative capacity only, and each return and tax liability shall be separate and distinct from any other;

(c) be authorised and required to retain out of any money or other property received by him in his representative capacity so much as is sufficient to pay the income tax which is or will become payable in respect of that income;

(d) not make any payment of income to a non-resident or absentee or transfer out of Mauritius any sum for the purpose of making any such payment, unless and until arrangements have been made to the satisfaction of the Director-General for the payment of any income tax which is or will become payable in respect of that income;

(e) be personally liable for the income tax payable in respect of the income to the extent of any amount that he has retained, or should have retained under paragraphs (c) and (d);

(f) be indemnified for all payments which he makes under this Act or for any requirement of the Director-General;

(g) where another agent pays an amount for which they are jointly liable, be liable to pay to that agent his proportionate share of the amount so paid;

(h) for the purpose of ensuring the payment of income tax, be liable, to the extent provided in paragraph (e), in respect of attachable property of any kind vested in him or under his control or management or in his possession to the same measures which the Director-General may enforce against the property of any taxpayer in respect of income tax.

**80. Income tax paid on behalf of another person**

Every person who, under this Act, pays income tax for or on behalf of any other person may recover it from that other person as a debt in any court of competent jurisdiction or may retain or deduct it out of money at any time in his hands belonging or payable to that other person.

**81. Agents of incapacitated persons, companies and bodies of persons**

(1) Every person who has the possession, control or disposal of any income derived by an incapacitated person shall be deemed to be the agent of the incapacitated person in respect of that income.

(2) Every secretary, manager or other principal officer of a company, société or other body of persons shall be deemed to be the agent of the company, société or other body of persons in respect of income derived by it.

(3) Repealed [476]*

(4) Every trustee shall be deemed to be the agent of a trust in respect of income derived by that trust.

(5) Every trustee or manager of a unit trust scheme shall be deemed to be the agent of that unit trust scheme.

(6) For the purposes of this section -

"incapacitated person" means a minor or a person suffering from mental or physical disability; and

"manager", in relation to a unit trust scheme, has the same meaning as in the Unit Trust Act 1989.

## 81A. Tax liability of appointed person [477]*

(1) Where an administrator, executor, receiver or liquidator is appointed to manage or wind up the business of any company, the appointed person shall -

(a) give notice of the appointment to the Director-General, within 15 days of the date of the appointment, in such manner and in such form as may be approved by the Director-General;

(b) before disposing of any asset of the company, set aside such sum out of the asset as appears to the Director-General to be sufficient to provide for any income tax that is or may become due and payable by the company; and

(c) do everything that is required to be done by a company under this Act.

(2) Any appointed person who, without reasonable cause or justification, fails to comply with any of the requirements of subsection (1) shall be personally liable to pay any income tax that is or may become due and payable and shall commit an offence.

## 82. Agents of absentees and non-residents

(1) Notwithstanding the fact that there may be another agent in Mauritius who shall continue to be liable as agent, but subject to this Act -

(a) every person who carries on business in Mauritius on behalf of a principal who is an absentee shall be deemed to be the agent of that principal in respect of all income derived from that business and shall be liable to income tax on it, whether or not any income derived by the principal is received by him;

(b) where a non-resident derives chargeable income from Mauritius from the business of shipping, the master of any ship and the captain of any aircraft shall be deemed to be the agent of that non-resident in respect of all income derived from the carriage of passengers, cargo or mail by that ship or aircraft and shall be liable to income tax on it, whether or not any income derived by the non-resident is received by him;

(c) every person who in Mauritius collects or receives or in any way has the possession, control or disposal of any income derived by an absentee shall be deemed to be the agent of the absentee in respect of that income.

(2) Where a non-resident sells goods -

(a) by himself while in Mauritius; or

(b) through a person who is in Mauritius,

and the goods are in Mauritius or are to be brought into Mauritius for the purpose or in pursuance or consequence of the sale, the non-resident shall be deemed to have sold the goods in the course of carrying on business in Mauritius, whether the contract of sale is made in or outside Mauritius.

(3) Where goods are sold by a non-resident through a person who is in Mauritius, that person shall be deemed to be the agent of that non-resident in respect of all income derived from the business carried on in Mauritius by the non-resident and shall be liable to income tax on it, whether or not any income derived by the non-resident is received by him.

## 83. Deceased persons

(1) Where a taxpayer dies, every person specified in subsection (3), shall, subject to subsections (2), (4), (5) and (6), be liable to income tax on all income derived by the taxpayer in his lifetime in the same manner in which the taxpayer would have been liable had he remained alive, and shall be deemed to be an agent of the deceased taxpayer.

(2) The income tax payable in accordance with subsection (1) shall be reduced by -

(a) 50,000 rupees; or[478*]

(b) an amount equivalent to half of any lump sum payable under any enactment on the death of the taxpayer by way of death gratuity or in commutation of pension or from a superannuation fund,

whichever is the higher.

(3) The persons specified for the purposes of subsection (1) shall be -

(a) an heir who accepts the succession of the deceased simply ("purement et simplement") or under benefit of inventory;

(b) a surviving spouse;

(c) a universal legatee;

(d) an executor;

(e) a notary acting as liquidator of the succession of the deceased;

(f) where there is no person specified in paragraph (a), (b) or (c), a legatee or donee; and

(g) where he is vested with the vacant succession of the deceased, the Curator of Vacant Estates.

(4) Where a person specified in subsection (3) has distributed the whole of the estate of the deceased taxpayer and thereafter a change occurs in the rate of income tax, he shall not be liable for any additional income tax resulting from the change.

(5) A person specified in subsection (3)(a), (b) or (f) shall not be liable under subsection (1) to any income tax in excess of his share in the estate of the deceased taxpayer.

(6) Nothing in this section shall affect the rights of a person specified in subsection (3) over or against any heir, surviving spouse or legatee.

## PART VII - ANTI-AVOIDANCE PROVISIONS

### 84. Interest on debentures issued by reference to shares

Where a company has issued debentures to its shareholders or any class of shareholders, and the amount of the debentures issued to each shareholder has been determined by reference to the number, the nominal value or the paid-up value of the shares in that company or in any other company, whether or not that other company is being or has been wound up, that were held by or on behalf of the shareholder at the time the debentures were issued or at any earlier time, the interest paid by the company on the debentures so issued shall not be an allowable deduction and shall be

deemed to be a dividend received from the company by the shareholders or class of shareholders of the company.

**85. Excess of remuneration or share of profits**

(1) Subject to subsection (3), where -

(a) a taxpayer carries on any business or other income earning activity and employs a relative, or, being a company, employs a relative of a director or shareholder of the company, to perform services in connection with the business or activity;

(b) a taxpayer carries on business or other income earning activity as an associate with any person, whether or not any other person is a member of the société; and

(i) a relative of the taxpayer is employed by the société to perform services in connection with the business or activity; or

(ii) where one of the associates is a company, a relative of a director or shareholder of the company is employed by the société to perform services in connection with the business or activity; or

(c) a taxpayer carries on business or other income earning activity in association with a relative or with a company of which a director or shareholder is a relative of the taxpayer or, being a company, carries on business or other income earning activity in association with a relative of a director or shareholder of the company, whether or not any other person is a member of the société,

and the Director-General is of opinion that the remuneration, salary, share of profits or other income payable to or for the benefit of that relative or company under the contract of employment or on the terms of the société exceeds the amount which is reasonable, having regard to the nature and extent of the services rendered, the value of the contributions made by the respective associates by way of services or capital or otherwise, and any other relevant matters, the Director-General may apportion the net income of the business or other income earning activity, without deducting any amount payable to that relative or company, between the parties to the contract of employment or the associates or any of them in such shares and proportions as he considers reasonable, and the amounts so apportioned shall be deemed to be income derived by the persons to whom those amounts are so apportioned and by no other person.

(2) Subject to subsection (3), where any sum paid or credited by a company, being or purporting to be remuneration for services

rendered by a person who is a relative of a director or shareholder of the company, is apportioned to that company in accordance with subsection (1), the amount so apportioned to the company shall be deemed to be a benefit referred to in section 86A [479]* received by that person as a shareholder of the company.

(3) This section shall not apply to a contract of employment or an agreement to form a société where -

(a) the contract or agreement is in writing and signed by all parties;

(b) no associate and no person employed under the contract or agreement was a minor at the date on which the contract was signed;

(c) the contract or agreement is binding on the parties for a term of not less than 3 years and cannot be terminated by any party before the expiry of that term;

(d) each party to the contract has a real and effective control of the remuneration, salary, share of profit, or other income to which he is entitled under the contract; and

(e) the remuneration, salary, share of profits or other income payable to a relative or to a company of which a director or shareholder is a relative is not of such an amount that the transaction constitutes a gift or other disposition of property without adequate consideration in money or money's worth.

**86. Excessive remuneration to shareholder or director**

Where any sum paid or credited by a company, being or purporting to be remuneration for services rendered by a person who is a shareholder or director of the company, exceeds the amount which in the opinion of the Director-General is reasonable, the amount of the excess shall not be an allowable deduction and shall be deemed to be a benefit referred to in section 86A received by that person as a shareholder of the company.

**86A. Benefit to shareholder [480]***

Where a benefit of any nature, whether in money or money's worth, other than payment of dividend, is made by a company to any shareholder or a relative of the shareholder, the value of that benefit, to the extent that it exceeds the payment, if any, made therefor, shall be deemed to be income referred to in section 10(1)(g) and received by the shareholder or the relative of the shareholder, as the case may be.

**87. Excessive management expenses**

(1) Subject to subsection (2), where a person carries on any business or other income earning activity and the Director-General is of the opinion that any management expenses incurred by him exceed the amount which is reasonable, having regard to the nature and extent of the management services rendered, the amount of the excess shall not be an allowable deduction.

(2) This section shall not apply to the extent that the income of the taxpayer concerned is adjusted under section 84, 85 or 86.

(3) For the purposes of this section, "management expenses" means any emoluments, fee, rent, commission, charge or other administration expense incurred in the general management of a business or other income earning activity.

**88. Leases for other than an adequate rent**

(1) Where property owned by a person, by 2 or more persons whether jointly or in undivided ownership or by a société is leased to a relative of any of those persons or any associate of the société or to a related company, or where property owned by a company is leased to a shareholder or a relative of a shareholder or to any other person, and the rent is not an adequate rent for the property or the lease makes no provision for the payment of rent, there shall be deemed to be payable under the lease a rent that is equal to an adequate rent for the property, and that rent shall be deemed to be income derived by the lessor -

(a) where a rent is payable under the lease, in respect of the periods for which the rent is so payable; or

(b) where no rent is payable under the lease, in respect of such periods as the Director-General determines.

(2) The rent deemed to be payable under subsection (1) shall be deemed to accrue from day to day during the period in respect of which it is payable, and shall be apportioned accordingly.

(3) For the purposes of this section, "adequate rent" means the amount of rent which the Director-General determines to be adequate for the period for which the determination is made.

**89. Rights over income retained**

Where a person sells property or any right to income to a relative and retains or obtains the power to enjoy income arising from that property or from that right or retains or obtains the right to dispose of or direct or control the disposition of that income or of that property or right, the income shall be deemed to be income derived by the transferor and by no other person as if the sale had not taken place.

**90. Transactions designed to avoid liability to income tax**

(1) This section shall apply where any transaction has been entered into or effected and that transaction has, or would have had but for this section, the effect of conferring a tax benefit on a person, hereinafter referred to as relevant person, and having regard to -

(a) the manner in which the transaction was entered into or carried out;

(b) the form and substance of the transaction;

(c) the result in relation to the operation of this Act that, but for this section, would have been achieved by the transaction;

(d) any change in the financial position of the relevant person that has resulted, will result, or may reasonably be expected to result, from the transaction;

(e) any change in the financial position of any person who has, or has had, any connection, whether of a business, family or other nature, with the relevant person, being a change that has resulted or may reasonably be expected to result from the transaction;

(f) whether the transaction has created rights or obligations which would not normally be created between persons dealing with each other at arm's length under a transaction of the kind in question; and

(g) the participation in the transaction of a corporation resident or carrying on business outside Mauritius,

the Director-General may conclude that the person, or one of the persons, who entered into or carried out the transaction, did so for the sole or dominant purpose of enabling the relevant person, either alone or in conjunction with other persons, to obtain a tax benefit.

(2) Where subsection (1) applies the Director-General shall assess the liability to tax of the relevant person-

(a) as if the transaction or any part thereof had not been entered into or carried out; or

(b) in such other manner as the Director-General considers appropriate to counteract the tax benefit which would otherwise be obtained.

(3) For the purposes of this section -

"**tax benefit**" means the avoidance or postponement of the liability to pay income tax or the reduction in the amount thereof;

"**transaction**" includes a transaction, operation or scheme whether or not such transaction, operation or scheme is enforceable, or intended to be enforceable, by legal proceedings.

**90A. Controlled foreign company rule[481]***

(1) (a) Subject to subsection (2), where a resident company carries on business through a controlled foreign company and the Director-General considers that the non-distributed income of the controlled foreign company arises from non-genuine arrangements which have been put in place for the essential purpose of obtaining a tax benefit, that income shall be deemed to form part of the chargeable income of the resident company.

(b) For the purpose of paragraph (a) –

(i) an arrangement or a series thereof shall be regarded as non-genuine to the extent that the controlled foreign company would not own the assets or would not have undertaken the risks which generate all, or part of, its income if it were not controlled by a company where the significant people functions,which are relevant to those assets and risks, are carried out and are instrumental in generating the controlled company's income;

(ii) "tax benefit" means the avoidance or postponement of the liability to pay income tax or the reduction in the amount thereof.

(2) (a) This section shall not apply to a controlled foreign company where in an income year –

(i) accounting profits are not more than EUR 750 000, and non-trading income is not more than EUR 75 000;

(ii) accounting profits amount to less than 10 per cent of its operating costs for the tax period; or

(iii) the tax rate in the country of residence of the controlled foreign company is more than 50 per cent of the tax rate in Mauritius.

(b) For the purpose of paragraph (a)(ii), the operating costs shall not include the cost of goods sold outside the country where the

entity is resident for tax purposes and payments to associated enterprises.

(3) The income under subsection (1)(a) shall be determined in such manner as may be prescribed.

(4) The Minister may make such regulations as he thinks fit for the purpose of this section.

(5) In this section –

"associated enterprise" means –

(a) an entity in which the company holds directly or indirectly a participation in terms of voting rights or capital ownership of 25 per cent or more or is entitled to receive 25 per cent or more of the profits of that entity;

(b) an individual or entity which holds directly or indirectly a participation in terms of voting rights or capital ownership in the company of 25 per cent or more or is entitled to receive 25 per cent or more of the profits of the company,

where an individual or entity holds directly or indirectly a participation of 25 per cent or more in the company and one or more entities, all the entities concerned, including the company, shall also be regarded as associated enterprises;

"controlled foreign company" –

(a) means a company –

(i) which is not resident in Mauritius; and

(ii) in which more than 50 per cent of its total participation rights are held directly or indirectly by the resident company referred to in subsection(1) or together with its associated enterprises; and

(b) includes a permanent establishment of the resident company.

## PART VIII - RETURNS, COLLECTION AND PAYMENT OF TAX

### 91. Due date for payment of income tax

Subject to the other provisions of this Act, income tax for any year of assessment shall, whether or not a return of income has been submitted, or an assessment has been made, be due on 1 July in that year.[482*]

## Sub-Part A - Pay As You Earn (PAYE) System

### 92. Application of Sub-Part A

Subject to section 93(2), this Sub-Part shall apply to emoluments but shall not apply to emoluments derived by an exempt person.[483]*

### 93. Employer to withhold tax from emoluments

(1) Every employer shall, at the time the emoluments are received by or made available to an employee, withhold income tax, from the emoluments of that employee.[484]*

(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.[485]*

(2) (a) Where an exempt person or a person deriving any – [486]*

(i) pension in relation to his past employment or that of his spouse; or

(ii) annuity, pension or similar payment,

makes a request to his employer or the person responsible for the payment of the pension, annuity or similar payment for income tax to be withheld under this Sub-part, the employer or person responsible for the payment shall withhold income tax in the manner provided for under section 96(2).

(b) A request to withhold income tax under paragraph (a) shall be made in such form as the Director-General may approve and it shall remain applicable until it is revoked by the person or the Director-General.

(c) Sections 93(3), (4), (4A) and (5), 94, 99, 100, 101A and 102 shall apply to the person responsible for the payment of any pension, annuity or similar payment in the same manner as it applies to an employer.

(3) Every employer shall give to his employee a Statement of Emoluments and Tax Deduction in such manner as may be prescribed.

(4) Every employer shall submit to the Director-General a Return of Employees giving such information and particulars, within such time and in such manner, as may be prescribed.[487]*

(4A)[488]*(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 a claim to the employer specifying the amount of penalty payable and the reasons for making such a claim.[489]*

(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) Repealed [490]*

(5) Any employer who fails to comply with subsection (4) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.[491]*

**94. Registration of employers**

Every employer shall register with the Director-General in such manner and on such conditions as may be prescribed.

**95. Employee declaration [492]***

(1) Subject to subsection (2), every employee who, in respect of an income year, is entitled to –

(a) the personal reliefs and deductions under section 27 [493]*;

(b) reliefs and deductions under Sub-part D or Sub-part E of Part III,

in respect of that income year and who wishes to have the personal reliefs and deductions under Sub-part C of Part III and the reliefs and deductions under Sub-part D or Sub-part E of Part III taken into account for the purpose of determining his chargeable income and the amount of income tax, if any, to be withheld from his emoluments under section 93 during that income year, shall submit to his employer an Employee Declaration Form in such manner and on such conditions as may be prescribed [494]*.

(2) Where the personal reliefs and deductions referred to in subsection (1) has been claimed, those personal reliefs and deductions shall not be claimed for the purposes of Sub-Part B of Part VIII [495]*.

(3) Where an employee has, in his Employee Declaration Form, claimed in respect of an income year, personal reliefs and deductions under Sub-part C or reliefs and deductions under Sub-part D or Subpart E of Part III, as the case may be, an additional deduction under item 2 of the Third Schedule or reliefs and deductions under Sub-part D or Sub-part E of Part III, and the claim is thereafter found to be

unjustified or in excess of the amount to which he is entitled by 10 per cent or more, he shall be liable, in addition to the amount of income tax underpaid, to a penalty not exceeding 25 per cent of the underpaid amount. [496]*

**96. Tax to be withheld [497]***

(1) Where an employee has submitted in respect of an income year an Employee Declaration Form to his employer, the amount of income tax to be withheld from the emoluments of the employee shall be calculated, on a cumulative basis, in such manner as may be prescribed.

(2) Where an employee has not submitted in respect of an income year an Employee Declaration Form or has made a request pursuant to subsection 93(2) to his employer, the employer shall withhold tax from the emoluments of the employee at the rate of 15 per cent, or at the option of the employee, withhold tax at the rate of 20 per cent of those emoluments [498]*.

(2A) Repealed[499]*

(2B) Repealed[500]*

(3) Where any fees are payable –

(i) by a company to any of its directors; or

(ii) by a statutory body to any member of its Board, Council, Commission, Committee or by whatever name called,

tax shall be withheld from the fees of the director or member, as the case may be at the rate of 15 per cent, or at the option of the director or member, at the rate of 20 per cent of those fees [501]*.

(4) Where tax is withheld in an income year under this section and in that income year, the employee, director or member, as the case may be, is a non-resident and is not deriving any other gross income, the amount of tax so withheld, at the option of the employee, director or member, as the case may be, shall be deemed to be the final amount of tax payable by that employee, director or member for that income year and in relation thereof, the provisions of Sub-Part C of PART VIII shall not apply.[502]*

**97. Direction not to withhold tax**

Where income tax is required to be withheld from the emoluments of an employee under this Sub-Part during an income year and the employee proves to the satisfaction of the Director-General that he is not chargeable to income tax for that income year, the Director-General may, by written notice

under his hand to the employer, direct that no tax shall be withheld from the emoluments of that employee.

**98. Decision as to whether an amount is emoluments**

Where any question arises in relation to an employer or an employee as to whether any amount is or is not emoluments to which this Sub-Part applies, the question shall be decided by the Director-General, whose decision shall be notified to the employer or employee in writing.

**99. Obligation of employer to withhold tax**

The obligation of an employer to withhold tax under section 93 shall prevail over -

(a) any right or obligation to withhold any other amount from such payment; or

(b) any law providing that the amount of any such payment shall not be reduced or be subject to attachment.

**99A. Registration of employees [503]***

(1) Every employee shall, at the time he takes up employment or at the request of his employer, produce to the employer his National Identity Card or, in the case of a non-citizen, the identification number issued to him by the immigration officer.

(2) Every employer shall, in respect of every employee, obtain from the employee – [504]*

(a) his NIC number; or

(b) in the case of a non-citizen, the identification number issued to him by the immigration officer.

**100. Payment of tax by employer**

(1) An employer who has withheld tax under this Sub-Part shall pay the tax so withheld within 20 days from the end of the month in which the tax was withheld in such manner as may be prescribed.

(1A) (a) Every person registered as an employer for the purposes of PAYE shall, unless otherwise authorised, submit his PAYE return and remit the tax withheld electronically through such computer system as may be approved by the Director-General under section 128A(1).[505]*

(b) Repealed [506]*

(1B) Every employer who submits his PAYE return and remits the tax withheld in the manner specified in subsection (1A), shall - [507*]

(a) notwithstanding subsection (1), pay the tax so withheld on or before the end of the month immediately following the month in which the tax was withheld; and

c) continue to submit his PAYE return and remit the tax withheld electronically until such time as he ceases to be an employer.

(1C) The due date for submission of the PAYE return and remittance of the tax withheld under subsection (1) in respect of the months of May and November shall, notwithstanding subsection (1), be 2 days, excluding Saturdays and public holidays, before the end of June and December, respectively.[508*]

(2) An employer who has not withheld tax as required by this Sub-Part shall be liable to pay to the Director-General the amount of tax which has not been so withheld but the employer shall be entitled to recover that amount from the employee.

**101. Penalty for late payment of tax by employer [509*]**

(1) Where an employer fails to pay the amount of tax required to be withheld under this Sub-Part on or before the last day on which it is payable under section 100, he shall be liable to pay to the Director-General, in addition to the tax, a penalty of 10 per cent of the amount of the tax remaining unpaid.[510*]

(2) The penalty under subsection (1) shall apply to the tax excluding any interest under section 122D.

**101A. Penalty for failure to join electronic system [511*]**

Any registered employer who is required to submit his PAYE return under section 100(1A) and make payment of tax withheld on behalf of his employees electronically, but fails to join the electronic system, after written notice being given to him by the Director-General, shall be liable to pay to the Director-General on his failure within a period of 7 days from the date of the notice to justify the failure to join the system, a penalty of 5,000 rupees, for every month or part of the month from the month specified in the notice, up to the month immediately preceding the month in which he submits his return, and to make any payment of tax withheld electronically, provided that the total penalty payable shall not exceed 50,000 rupees.

**102. Priority over tax withheld**

(1) Notwithstanding any other enactment, tax withheld by an employer under this Sub-Part -

(a) shall be held on behalf of the Government of Mauritius; and

(b) shall not be subject to attachment in respect of any debt or liability of the employer.

(2) In the event of the liquidation or bankruptcy of the employer, the amount withheld under this Sub-Part shall not form part of the estate in liquidation or bankruptcy and shall be paid in full to the Director-General before any distribution of property is made.

(3) In the case where a receiver is appointed by the chargor of a charge for the purpose of satisfying a debt secured by the charge as specified in section 204 of the Insolvency Act, any tax withheld by a chargor under section 102 or deducted by a chargor under section 111J shall, subject to section 204(5) of that Act, be paid in accordance with section 204(4) of that Act.[512*]

**103. Tax withheld deemed to be tax paid by employee**

Any amount withheld as tax under this Sub-Part shall be deemed to be -

(a) received by the employee at the time it was withheld; and

(b) paid by him,

and shall be credited against the income tax liability of the employee for the income year in which the emoluments were paid.

**104. Non-disclosure of information by employer**

(1) Subject to subsection (2), no employer shall disclose to any person other than the Director-General, any information contained in the Employee Declaration Form submitted by an employee or any matter relating to this Sub-Part and concerning the employee.

(2) Nothing in this section shall prevent the disclosure to an employee, or with his written consent to any other person, of any information or matter relating to this section concerning the employee.

## Sub-Part B - Current Payment System (CPS)

**105. Application of Sub-Part B**

(1) Subject to subsection (2), this Sub-Part shall apply to the gross income specified in section 10(1)(b), and rent specified in section 10(1)(c), derived by an individual.

(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.[513*]

**105A. [***Registration of persons under this Sub-Part***]** Repealed [514*]

**106. CPS Statement and payment of tax [515*]**

(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 electronically to the Director-General a CPS Statement in such form and manner as may be approved by the Director-General and pay tax, if any, electronically, as follows -[516*]

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

(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 4[517*] million rupees;

(b) the tax payable on the chargeable income computed in accordance with section 107(1) is of an amount not exceeding 500 rupees; or

(c) his gross income for the preceding year does not exceed 10 million rupees and he is engaged in activities specified in the Thirteenth Schedule.[518*]

(3) Where a resident société or the estate of a deceased person derives gross income referred to in section 105, the associate of the société 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 [519*]**

(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 personal reliefs and deductions to which the individual is entitled under section 27 in respect of that income year [520*].

(3) Where any personal reliefs and deductions referred to in subsection (2) has been claimed for the purposes of this Sub-part, those personal reliefs and deductions shall not be claimed for the purposes of Sub-part A of Part VIII [521*].

**108. Calculation of tax [522*]**

The income tax payable under this Sub-Part shall be calculated on the chargeable income ascertained under section 107 in such manner as may be prescribed.

**109. Penalty for late submission of Statement of Income [523*]**

Where a person fails to submit a Statement of Income under section 106, he shall be liable to pay to the Director-General a penalty representing 2,000 rupees per month or part of the month until such time as the Statement of Income is submitted, provided that the total penalty payable shall not exceed 6,000 rupees per Statement of Income.

**110. Penalty for late payment of tax under CPS [524*]**

Where a taxpayer fails to pay any income tax due on or before the last day on which it is payable under section 106, he shall be liable to pay to the Director-General, in addition to the tax, a penalty of 5 per cent of the amount of tax remaining unpaid.

**111. Return and payment of tax at end of income year**

(1) Every person who is required to submit a Statement of Income under section 106 shall, at the end of the income year, submit to the Director-General the return required to be submitted under section 112.

(2) Where the amount of tax payable on the chargeable income in accordance with the return referred to in subsection (1) exceeds the sum of -

(a) the aggregate [525]* amount of any tax paid under this Sub-Part excluding any penalty under sections 109 and 110; and

(b) any amount of tax withheld under Sub-Part A,

the person shall pay the difference at the time the return is submitted together with the penalty specified in subsection (3), if any.

(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 Statement of Income by more than 35 per cent of the amount of tax payable, the person shall, at the time the return under section 112 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 35 per cent.[526]*

(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. [527]*

## Sub-Part BA –Deduction of tax at source [528]*

**111A. Interpretation**

(1) In this Sub-Part -

(a) "commission" includes any sum paid or payable to an agent in relation to a commercial transaction;[529] *

(b) "contractor", in section 111B(d), means any person who enters into a contract for carrying out any work;

(c) ["*depositor*"] **Definition deleted** [530*]

(d) ["*financial institution*"] **Definition deleted** [531*]

(e) ["*individual*"] **Definition deleted** [532*]

(f) "interest" in section 111B(a), means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits and in particular income from debentures or any other loan instrument including premiums and prizes attaching to such debentures or other loan instrument;[533*]

(g) "payee" means any person to whom an amount is made available by the payer; [534*]

(h) "payer"[535*]

(a) means any person responsible for the payment of any amount or sum referred to in section 111B; but

(b) does not include a company, société or succession which has an annual turnover not exceeding 6 million rupees, other than a company, société or succession which awards contracts for construction works;[536*]

(i) "person" in section 111B(c), includes a minor;

(j) "rent" in section 111B(c), means any payment, by whatever name called, under any lease, sub-lease, tenancy or any other agreement or arrangement for the use of any land or building together with furniture, fittings and the land appurtenant thereto, whether or not such building is owned by the payee and also includes any premium or other consideration for a lease;

(k) "sub-contractor" in section 111B(d), means any person who enters into a contract with a contractor for carrying out any work;

(l) "work", in paragraphs (b) and (k) -[537*]

(i) means civil construction including construction or repair of any building, road or other structure or execution of any works contract and includes mechanical or electrical works[538*]; and

(ii) includes any supply of labour for carrying out works in respect of civil construction.

(2) For the purposes of sections 111B and 111C, an amount or a sum is deemed to have been made available to a payee where the amount or sum is paid to, or credited to the account of, or dealt with in the interest or on behalf of, the payee, whichever is earlier.

**111B. Application of Sub-Part BA**

This Sub-Part shall apply to any amount or sum made available by way of –

(a) interest, other than – [539]*

(i) interest falling under Sub-part B of Part II of the Second Schedule payable by any person, other than an individual, to any person, other than a company resident in Mauritius; and

(ii) interest payable to a person in respect of money lent by that person through a Peer-to-Peer Lending platform operated under a licence issued by the Financial Services Commission under the Financial Services Act;

(b) royalties payable to any person, other than a citizen in respect of royalties for artistic or literary work, by any person, other than an individual or a corporation holding a Global Business Licence under the Financial Services Act 2007;[540]*

(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;[541]*

(d) payments to contractors and sub-contractors by any person, other than an individual;

(e) payments to a provider of services, except a company holding a management licence and an investment adviser holding a licence issued by the Financial Services Commission established under the Financial Services Act, specified in the Fifth Schedule made by any person, other than an individual[542]*;

(f)[543]* 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, other than

telephone, insurance, postal, air travel and hotel services, 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); [544]*

(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;

(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;

(i) management fees payable to an individual by any person, other than an individual;[545]*

(j) payments in money or money's worth or transfers made by a person in connection with activities performed in Mauritius by a non-resident entertainer or sportsperson;

(k) commissions payable by any person other than an individual;[546]*

(l) payments by any person, other than an individual, to consultants other than –;[547]*

(i) a company holding a management licence issued by the Financial Services Commission established under the Financial Services Act;

(ii) an investment adviser holding a licence issued by the Financial Services Commission established under the Financial Services Act; and

(iii) those specified in the Fifth Schedule;

(m) payments by any person, other than an individual, to a provider of security services, cleaning services, pest management services and other ancillary services; and[548*]

(n) payments by insurance companies to – [549*]

(i) motor surveyors; and

(ii) any other person for repairs of motor vehicles of policy holders.

**111C. Payer to deduct tax**

(1) Subject to the other provisions of this section, every payer shall, at the time any amount or sum referred to in section 111B is made available to the payee, deduct income tax from the amount or sum so made available at the appropriate rate specified in the Sixth Schedule.[550*]

(1A) No income tax shall be deducted under this Sub-Part, where the amount of tax to be deducted is less than 500 rupees. [551*]

(2) **Repealed** [552*]

(3) **Repealed**

(4) Where interest referred to in section 111B(a), royalties referred to in section 111B(b) or rent referred to in section 111B (c) and payments to an entertainer or sportsperson referred to in section 111B(j) are payable to a non-resident, the income tax to be deducted shall be at the rate specified in the Sixth Schedule or at the rate specified under any arrangement for relief from double taxation which is in force between Mauritius and the foreign country where the payee is resident, whichever is the lower.[553*]

(5) Where income tax is deducted from the interest, payments to an entertainer or sportsperson, or from rent or royalties in an income year under subsection (4), the amount of tax so deducted, at the option of the payee shall be deemed to be the final amount of tax payable in respect of the interest, payments to the entertainer or sportsperson, or from rent or royalties for that income year.[554*]

(6) This section shall apply notwithstanding whether payments or transfers referred to in section 111B(j) are made directly to the non-resident entertainer or sportsperson or through an agent.[555*]

**111D. Remittance of tax deducted** [556*]

(1) Subject to this section, every payer who deducts income tax under section 111C shall remit to the Director-General the income tax so deducted and at the same time submit a return in a form approved by the Director-General –

(a) in the case where the remittance and the return are made electronically in accordance with section 128A, not later than one month from the end of the month in which the income tax was deducted; or [557]*

(b) in the case where the remittance and the return are made in a manner other than in accordance with section 128A, not later than 20 days from the end of the month in which the income tax was deducted.

(2) The remittance and the return referred to in subsection (1) shall, in respect of the months of May and November, be made 2 days, excluding Saturdays and public holidays, before the end of June and December, respectively.[558]*

**111E. Payer liable to pay tax**

Any payer who has not deducted income tax as required under section 111C shall be liable to pay to the Director-General the amount of income tax which ought to have been deducted but the payer shall be entitled to recover the amount from the payee.

**111F. Penalty and interest for late payment of tax**

The provisions of sections 101 and 122D(1)(a) shall apply in all respects to a payer as they apply to an employer referred to in section 101 or to any person referred to in section 122D(1)(a).[559]*

**111G. Tax deducted deemed to be tax paid**

(1) Any amount of tax deducted under this Sub-Part in an income year shall be deemed to be –

(a) received by the payee at the time it was deducted; and

(b) paid by him to the Director-General,

and shall be offset against the income tax liability of the payee for that income year.

(2) Where the payee under subsection (1) is a société or a succession, the associates of the société or the heirs of the succession, as the case may be, shall be entitled to claim a credit in their annual return of income submitted under section 112 or 116, as the case may be, in respect of their share of the amount of tax deducted under this Sub - Part.[560]*

**111H. Direction not to deduct tax**

Where income tax is required to be deducted from any amount or sum which is made available to a payee under this Sub-Part during an income year and the payee proves to the satisfaction of the Director-General that he is not chargeable to income tax for that income year, the Director-General may, by

written notice to the payer, direct that no income tax shall be deducted from the amount or sum which is made available to that payee.

**111I. Obligation of payer to deduct tax**

The obligation of a payer to deduct income tax under section 111C shall prevail over -

(a) any right or obligation to deduct any other amount from such payment; or

(b) any law providing that the amount of any such payment shall not be reduced or be subject to attachment.

**111J. Priority over tax deducted**

(1) Notwithstanding any other enactment, income tax deducted by a payer under this Sub-Part -

(a) shall be held on behalf of the Government of Mauritius; and

(b) shall not be subject to attachment in respect of any debt or liability of the payer.

(2) In the event of the liquidation or bankruptcy of the payer, the amount deducted under this Sub-Part shall not form part of the estate in liquidation or bankruptcy and shall be paid in full to the Director-General before any distribution of property is made.

**111K. Statement to payee and to Director-General [561]***

(1) Every payer shall, not later than 15 August in every year [562]* -

(a) give to each payee, a statement of any amount or sum made available to him and referred to in section 111B, in duplicate, in respect of the preceding income year; and [563]*

(b) submit to the Director-General, in respect of the preceding income year - [564]*

(i) a statement giving the particulars of the payee, the amount or sum made available and income tax deducted therefrom;

(ii) where no income tax has been deducted by virtue of section 111C(1A), a statement giving the particulars of the payee and the amount or sum made available.

(2) In the case of a financial institution, the statement referred to in subsection (1)(b) shall include, in respect of each payee, the aggregate amount of interest payable by the financial institution including its

branches, where such aggregate amount exceeds 50,000 [565]* rupees, whether or not income tax has been deducted.

(3) The statements under subsections (1) and (2) shall contain such other particulars, and shall be made in such form and manner, as may be prescribed.

(4) Notwithstanding section 64 of the Banking Act 2004, section 26 of the Bank of Mauritius Act 2004 and the confidentiality provisions under any other enactment, a financial institution shall comply with the requirements of this Sub-Part.

(4A)[566]*(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 a claim to the payer specifying the amount of penalty payable and the reasons for making such a claim.[567]*

(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) **Repealed** [568]*

(5) Any payer who fails to comply with subsection (1), (2) or (3), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.[569]*

**[*Sub-Part BB – National Residential Property Tax* ] Repealed**

**[*111L. Interpretation* ][570]* Repealed**

**[*111M. Imposition of property tax* ][571]* Repealed**

**[111N. Application of property tax ][572] * Repealed**

## Sub-Part BC - Tax on Winnings[573]*

### 111O. Interpretation

In this Sub-part –

"**given date**" means a period of 24 hours starting at 10 o'clock in the morning on a day and ending at 10 o'clock in the morning on the following day;[574]*

"**operator**" means the Mauritius National Lottery Operator, operator of the Loterie Vert, a casino operator, a hotel casino operator or a gaming house operator licensed under the Gambling Regulatory Authority Act;
[575]*

"**winner**" means a person to whom an amount payable as winnings is paid;

"**winnings**" means any amount paid out in money.

**111P. Operator to deduct tax on winnings**

(1) Subject to the other provisions of this Sub-part, every operator shall, at the time any amount is payable as winnings, deduct tax from that amount at the rate of 10 per cent and remit it to the Director-General.

(2) No tax shall be deducted under this Sub-part where the total cumulative winnings paid to a person on any given date does not exceed 100,000 rupees.[576]*

**111Q. Remittance of tax on winnings**

(1) Every operator who deducts tax under section 111P shall remit electronically to the Director-General the tax so deducted not later than 20 days from the end of the month in which the tax was deducted and, at the same time, submit a return in such form as the Director-General may approve.

(2) Where an operator has, during a month, not paid any winnings on which tax is deductible, he shall submit a nil return to the Director-General.

**111R. Penalty for late submission**

Where an operator fails to submit a return under section 111Q, he shall be liable to pay to the Director-General a penalty representing 2, 000 rupees per month or part of the month, until the time the return is submitted, provided that the total penalty payable shall not exceed 20,000 rupees.

**111S. Penalty and interest for late payment**

The provisions of sections 122 (1) and 122D shall apply in all respects to an operator who fails to remit any tax on winnings due on or before the last day on which it has to be remitted in accordance with section 111Q.

**111T. Assessment and recovery of tax on winnings**

The provisions of Parts IX, X and XI and sections 153, 155, 156 and 160 of this Act shall apply to the tax on winnings with such modifications, adaptations and exceptions as may be necessary.

**Sub-Part BD – Presumptive Tax on Small Enterprise[577]***

## 111U. Interpretation

In this Sub-part –

"presumptive tax" means the tax imposed under this Sub-part;

"small enterprise" means a person –

(a) who is engaged in activities specified in the Thirteenth Schedule;

(b) whose gross income in an income year does not exceed 10 million rupees; and

(c) whose gross income from sources, other than those specified in the Thirteenth Schedule, does not exceed 400,000 rupees.

## 111V. Election to pay presumptive tax

(1) Subject to the other provisions of this Sub-part, a small enterprise may, by irrevocable notice, on or before the due date for the filing of its return of income, elect to pay a presumptive tax at the rate of one per cent of its gross income.

(2) Where a small enterprise has made an election under subsection (1), it shall submit a return to the Director-General not later than the due date for the filing of the return under sections 112, 116 and 119, as the case may be, specifying such particulars as the Director-General may determine and at the same time pay the presumptive tax payable in accordance with the return, after offsetting any tax deducted under sections 93 and 111B [578]*.

(3) Where a small enterprise has made an election under subsection (1), it shall not be entitled to claim any deduction, relief or allowance under Sub-part B, C, D or E of Part III or Sub-part C of Part IV, as the case may be [579]*.

## 111W. Penalty for late payment

Sections 122 and 122D shall apply in all respects where a small enterprise fails to pay the presumptive tax in accordance with section 111V.

## 111X. Assessment and recovery proceedings

(1) Where a person has submitted a return under section 111V, Parts IX, X and XI shall, subject to this section, apply with such modifications, adaptations and exceptions as may be necessary.

(2) Where it is found that a small enterprise eligible for an election under section 111V has underdeclared its gross income and the undeclared amount when aggregated to the declared gross income does not exceed 10 million rupees, the Director-General may impose presumptive tax on the undeclared gross income.

## Sub-Part BE – COVID-19 Levy [580]*

### 111Y. Interpretation

In this Sub-part –

"chargeable income for levy" means the aggregate amount remaining after deducting from the gross income all allowable deductions except the unrelieved amount of a loss carried forward under section 59 from a previous year of assessment;

"employer" means an individual, a resident *société* or a company;

"levy" –

(a) means the COVID-19 levy referred to in section 111Z; and

(b) includes any penalty and interest imposed under this Act;

"Wage Assistance Scheme" means the scheme referred to under Part XIIB.

### 111Z. Liability to COVID-19 levy

(1) Subject to this section, every employer who has benefited from an allowance under the Wage Assistance Scheme shall be liable to pay to the Director-General, in respect of the year of assessment commencing on 1 July 2020, 1 July 2021 or 1 July 2022, as the case may be, the levy specified in subsection (3).

(2) Where the employer referred to in subsection (1) is –

(a) (i) an individual;

(ii) a resident *société*; or

(iii) a company whose accounting period ends on any date during the period starting on 1 May 2020 and ending on 31 December 2020, and starting on 1 May 2021 and ending on 31December 2021,

the levy shall be payable in respect of the years of assessment commencing on 1 July 2020 and 1 July 2021; or

(b) a company whose accounting period ends on any date during the period starting on 1 January 2021 and ending on 30 April 2021, and starting on 1 January 2022 and ending on 30 April 2022, the levy shall be payable in respect of the years of assessment commencing on1 July 2021 and 1 July 2022.

(3) (a) In the case of an employer who is an individual, the levy payable under subsection (1) shall –

(i) in respect of the year of assessment commencing on 1 July 2020, be equivalent to –

(A) the total amount paid to him under the Wage Assistance Scheme; or

(B) 15 per cent of the gross income derived by him under section 10(1)(b), (c) and (g) after deduction of any expenditure allowable under sections 18, 19 and 24,

whichever is lower; and

(ii) in respect of the year of assessment commencing on 1 July 2021, be equivalent to –

(A) the total amount paid to him under the Wage Assistance Scheme as reduced by the amount of levy payable for the year of assessment commencing on 1 July 2020; or

(B) 15 per cent of the gross income derived by him under section 10(1)(b), (c) and (g) after deduction of any expenditure allowable under sections 18, 19 and 24,

whichever is lower.

(b) In the case of an employer who is a resident *société* or company referred to in subsection (2)(a)(ii) and (iii), the levy payable under subsection (1) shall –

(i) in respect of the year of assessment commencing on 1 July 2020, be equivalent to –

(A) the total amount paid to him under the Wage Assistance Scheme; or

(B) 15 per cent of his chargeable income for levy,

whichever is lower; and

(ii) in respect of the year of assessment commencing on 1 July 2021, be equivalent to –

(A) the total amount paid to him under the Wage Assistance Scheme as reduced by the amount of levy payable for the year of assessment commencing on 1 July 2020; or

(B) 15 per cent of his chargeable income for levy,

whichever is lower.

(c) In the case of an employer who is a company referred to in subsection (2)(b), the levy payable under subsection (1) shall –

(i) in respect of the year of assessment commencing on 1 July 2021, be equivalent to –

(A) the total amount paid to him under the Wage Assistance Scheme; or

(B) 15 per cent of his chargeable income for levy,

whichever is lower; and

(ii) in respect of the year of assessment commencing on 1 July 2022, be equivalent to –

(A) the total amount paid to him under the Wage Assistance Scheme as reduced by the amount of levy payable for the year of assessment commencing on 1 July 2021; or

(B) 15 per cent of his chargeable income for levy,

whichever is lower.

(4) The levy payable under subsection (1) shall be declared by the employer in his return required to be submitted by him under section 112, 116 or 119, as applicable, and shall be paid to the Director-General, on or before the date by which the return is required to be submitted.

(5) Where an employer who is required to pay a levy under subsection (1) fails to do so on or before the date it is payable, the Director-General may, within a period of 3 years from the date the levy is payable, issue a claim to him requesting him to pay the levy, together with any penalty and interest applicable under section 111ZA, within 28 days from the date of the notice.

(6) Where an employer to whom a claim has been issued under subsection (5) fails to pay the amount claimed within the date specified in the notice, the Director-General may use his powers under Part IVC of the Mauritius Revenue Authority Act, with such modifications, adaptations and exceptions as may be necessary, to enable him to recover the amount unpaid.

(7) The Minister may by, regulations, exclude certain category of employers from the levy.

**111ZA. Penalty, interest and offence relating to levy**

(1) Where an employer fails to pay the levy on or before the last day on which it is payable under section 111Z, he shall be liable to pay to the Director-General, in addition to the levy –

(a) a penalty of 10 per cent of the amount of levy remaining unpaid; and

(b) interest at the rate of one per cent per month or part of the month during which the levy remains unpaid.

(2) Any employer who, in relation to section 111Z, makes a false declaration or gives a statement which is false or misleading in any material particular shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 2 years.

**111ZB. Anti-avoidance provisions**

The anti-avoidance provisions of Part VII shall apply in all respect to the levy payable under section 111Z.

## Sub-Part C – Returns

**112. Return and payment of tax by individuals [581]* [582]***

(1) Subject to this Act, every person who, in an income year –

(a) derives –

(i) total net income of an amount exceeding 390,000 rupees [583]*;

(ii) gross income, derived from any business, exceeding 2 million rupees;

(iii) emoluments in respect of which tax has been withheld under section 93;

(iv) income which has been subject to tax deduction at source under section 111C; or

(b) a chargeable income [584]*,

shall, in respect of that income year, submit electronically to the Director-General, not later than 15 October following that income year, a return in such form and manner as the Director-General may determine, specifying –

(i) the personal reliefs and deductions to which the person are entitled under section 27 [585]*;

(ii) the interest relief allowable under section 27A; and

(iii) such other particulars as may be required in the form of the return and, at the same time, pay electronically any tax payable in accordance with the return.

(1A) (a) Where, in an income year, a person is required to submit a return under subsection (1), he shall continue to submit a return in respect of every succeeding year, unless otherwise authorised, in writing, by the Director-General.[586] *

(b) Where, in an income year, a person is required to submit a return under paragraph (a) and is not likely, in the future, to have a chargeable income, he may apply to the Director-General to waive his obligation to submit a return under this subsection.

(c) The Director-General may, on application made by a person under paragraph (b), cancel the obligation of the person to submit a return under paragraph (a), on such conditions as the Director-General may determine.

(2) A planter, who is an individual, shall not be required to submit a return under this section where, in an income year –

(a) he cultivates sugar cane on less than 15 hectares of land, in the aggregate;

(b) the sugar accruing to him from the sugar cane cultivation does not exceed 60 tonnes; and

(c) his net income, other than his basic retirement pension, is solely derived from sugar cane cultivation.

(3) Repealed[587]*

(4) Repealed[588]*

**112A. Simplified return by self-employed individuals[589]***

(1) Subject to this Act, where, in an income year, a person is a self-employed and is not required to submit a return under section 112, he shall, in respect of that income year, submit electronically to the Director-General, not later than 15 October following that income year, a return, in such form and manner as the Director-General may determine, specifying –

(a) the net income derived from any business;

(b) any other income derived; and

(c) such other particulars as may be required by the Director-General.

(2) Where, in an income year, a person is required to submit a return under subsection (1), he shall continue to submit a return in respect of every succeeding year unless otherwise authorised in writing by the Director-General.

(3) Where, in an income year, a person is required to submit a return under subsection (1) and is not likely, in the future, to be liable to submit a return, he may apply to the Director-General to waive the obligation to submit a return under this subsection.

(4) The Director-General may, on application made by a person under subsection (3), waive the obligation of the person to submit a return under subsection (1), on such conditions as the Director-General may determine.

(5) In this section –

"**self-employed**" means an individual who derives gross income specified in section 10(1)(b).

**113. Power to require returns**

(1) For the purposes of ascertaining, for any income year, the chargeable income of any person, the Director-General may, by notice in writing, require that person to submit to him a return in such manner and in

such form as may be approved by him giving the particulars specified in section 112.[590*]

(2) A person who has been required to submit a return under subsection (1) shall, not later than the date specified in the notice, submit to the Director-General the return of income and at the same time pay any tax payable in accordance with that return together with the appropriate penalty under sections 121 and 122, if any.

**114. Time limit to require returns**

(1) Subject to subsection (2), the Director-General shall not, in a year of assessment, require an individual to submit a return required to be submitted under section 113 in respect of a period beyond 3 years of assessment preceding that year of assessment.[591*]

(2) Where the Director-General considers that a return under section 113 is required to be submitted in respect of a period beyond the time limit specified in subsection (1), he shall, by notice in writing to the person give reasons for which such return is required to be submitted.

(3) Any person aggrieved by a notice under subsection (2) may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act 2004.[592*]

**115. Return by persons leaving Mauritius**

Where a person, other than an exempt person, is about to leave Mauritius and his absence is unlikely to be temporary, he shall, before leaving, submit to the Director-General in respect of the relevant income year a return in such manner and in such form as may be approved by him giving the particulars specified in section 112 and at the same time -

(a) pay any tax payable in accordance with the return together with the appropriate penalty under sections 121 and 122, if any; or

(b) give security to the satisfaction of the Director-General for the payment of the income tax payable.

**116. Return of income by companies**

(1) Subject to the other provisions of this Act, every company, non-resident société, cell of a protected cell company, Foundation, trust other than a trust to which section 46(3) applies [593*] or trustee of a unit trust scheme, whether or not it is a taxpayer, shall submit to the Director-General, not later than six months from the end of the month in which its accounting period ends, a return in such manner and in such form as may be approved by him specifying-

(a) all income derived by it during the preceding income year; and

(b) Repealed [594*]

(c) such other particulars as may be required by the Director-General, and

at the same time pay any tax payable in accordance with its return.[595*]

(2) Where the accounting period ends in the month of June, the due date for submission of the return and payment of tax shall be 2 days, excluding Saturdays and public holidays, before the end of December.[596*]

(2A) Notwithstanding subsection (2), where the accounting period ends in the month of June and no tax is payable, or a loss is declared, in accordance with the return under subsection (1) or under section 50L, the return may be submitted on or before 15 January of the following year.[597*]

(2B) Where the accounting period ends in the month of June and the company has submitted an APS Statement in respect of the fourth quarter, the due date for submission of the return and payment of tax for that accounting year shall be 31 January of the following year.[598*]

(2C) Where the accounting period ends in the month of December, the due date for submission of the return and payment of tax shall be 2 days, excluding Saturdays and public holidays, before the end of June.[599*]

(3) The return and payment of tax under subsection (1) shall be made electronically in accordance with section 128A.[600*]

## 116A. Doubt on interpretation or treatment [601*]

(1) Where a person is in doubt regarding the interpretation of the law or treatment in respect of any matter to be contained in a return required under section 112 or 116, the person may submit the return according to his interpretation of the law or treatment of the matter provided that he draws the attention of the Director-General to the matter in question in the return by specifying the doubt.

(2) Where a person specifies the doubt referred to in subsection (1) –

(a) he shall be treated as having acted in good faith; and

(b) no penalty shall be imposed under section 122 in respect of any additional tax resulting from any subsequent adjustment in relation to the doubt specified.

**116B. Amended return [602]***

(1) Subject to this section, where a person has submitted a return for a year of assessment under section 112, 116 or 119 and thereafter submits a new return for the same year of assessment amending the previous return, he shall be deemed to have submitted the return for that year of assessment on the date of submission of the new return and he shall be liable to the penalty under section 121(1) accordingly.

(1A)[603]* (a) Subject to paragraph (b), a person shall not submit an amended return under subsection (1), with respect to an income year where an assessment has been made under section 129,129A or 131.

(b) A person who has been informed of the intention of the Director-General to issue an assessment to tax under section 129, 129A or 131 may make a written declaration to the Director-General requesting for changes to be made to a return that has already been submitted by him before the issue of the assessment, provided that the changes to be made do not relate to matters forming part of the basis of assessment.

(c) The Director-General shall, within 6 months of the date of a declaration made under paragraph (b), inform the declarant of the outcome of the declaration.

(2) A person who submits an amended return under subsection (1) shall pay any additional tax specified in that return forthwith, together with the appropriate penalties and interest under section 122 and 122D, respectively.

(3) An amended return under subsection (1) shall be submitted electronically through such computer system as the Director-General may approve under section 128A, in an approved form, giving reasons for each amendment made to the previous return.[604]*

(4) The penalty under section 121(1) shall not apply where the amended return is submitted by an individual and the changes made to the previous return relate only to emoluments or to the amount of personal reliefs and deductions under Sub-part C, D or E of Part III.

(5) An amended return under this section shall not be submitted after 3 years from the end of the year of assessment to which the return relates except where it is submitted in respect of undeclared or under-declared income or submitted by an individual in respect of emoluments or to the amount of personal reliefs and deductions under Sub-part C, D or E of Part III.

**116C. Declaration by company not in operation [605]***

(1) Where a company –

(a) has not started business; or

(b) ceased business,

and has not derived any income in an income year, it shall submit a declaration in a form approved by the Director-General within 3 months after the expiry of that income year.

(2) Subsection (1) shall not apply to –

(a) a company holding a Global Business Licence under the Financial Services Act; and

(c) a trust.

(3) Where a company submits a declaration under subsection (1) for an income year, it shall not be required to submit a return under section 116(1) in respect of that year.

**116D. Return of dividends by companies [606]***

(1) Every company which pays a dividend exceeding 100,000 rupees to an individual, société or succession in a year shall, not later than 15 August in every year, submit electronically to the Director-General, in respect of the preceding income year, a return, in such form and manner as the Director-General may approve, giving the following information –

(a) the name and surname of every shareholder;

(b) the NIC number of every shareholder or, in the case of a non-citizen, the identification number issued to him by the immigration officer; and

(c) the amount of dividend paid.

(2) For avoidance of doubt, subsection (1) shall not apply to a limited partnership or limited liability partnership incorporated under the laws of a foreign country.[607]*

**117. Return of income in special circumstances**

Where -

(a) a person -

(i) has ceased to derive gross income;

(ii) has ceased to carry on business in Mauritius;

(iii) is about to discontinue carrying on business in Mauritius; or

(iv) who is a non-resident trader;

(b) a person is liable to income tax under section 83 on the death of a taxpayer in respect of all income derived by that taxpayer in his lifetime,

he shall forthwith submit to the Director-General in respect of the relevant income year a return in such manner and in such form as may be approved by him giving the particulars specified in section 112 or 116, as the case may be, and at the same time pay any tax payable in accordance with that return together with the appropriate penalty under sections 121 and 122, if any.

**117A. Basis of assessment on commencement of business [608]***

(1) Any person engaged in business and required to submit a return under section 116 [609]* shall, in respect of the commencement year of income, submit a return for a period not exceeding 18 months [610]* ending with the date of the annual balance of his accounts.

(2) Where the annual balance of accounts in respect of the commencement year of income ends on a date other than 30 June, that date shall be deemed to be an approved return date under section 118.[611]*

(3) For the purposes of this section, "commencement year of income" means the income year in which the business of a person commences.

**118. Approved return date [612]***

(1) Any person engaged in business opting for *bona fide* commercial reasons to change his return date shall apply to the Director-General, within 6 months [613]* of the date of his last balance sheet, for approval of the change.

(2) The Director-General shall not approve any change under this section where no return has been submitted under section 116[614]* in respect of any of the last 3 income years.

(3) The Director-General may approve or refuse to approve the change under this section and shall give notice of his decision to the applicant within 30 days of the date of receipt of the application under subsection (1).

(4) Where a change in return date is approved under this section, the basis on which the profit derived by the applicant from his business in the income year in which the return date is changed shall be computed in such manner as may be prescribed.

(5) Repealed [615]*

**118A. Return of income in respect of approved return date [616]***

Subject to this Act, where a person has an approved return date ending on a date falling on or between –

(a) 1 January and 29 June, a return submitted or required to be submitted under section 116 shall be considered to be in relation to the income year ending on 30 June following that return date; and

(b) 1 July and 31 December, a return submitted or required to be submitted under section 116 shall be considered to be in relation to the income year ending on 30 June preceding that return date.

**119. Return in respect of a trust or a resident société**

(1) Where, in an income year, the trustee of a trust other than a trust to which section 46(3) applies [617]* has distributed to its beneficiaries under the terms of the trust deed any amount out of income of the trust, the trustee shall submit electronically to the Director-General, not later than 30 September[618]* following that income year, a return in such manner and in such form as may be approved by the Director-General specifying -

(a) the full name of the beneficiaries and the amount distributed to each of them; and[619]*

(b) such other particulars as may be required by the Director-General.

(c) **Repealed**

(2)[620]* Notwithstanding section 47, every *société commerciale* or any other resident *société* deriving income falling under section 10 shall submit electronically to the Director-General, not later than 30 September following an income year, a return in such manner and in such form as may be approved by the Director-General, specifying -

(a) all income derived by it during the preceding income year; and

(b) such other particulars as may be required by the Director-General.

**119A. Statement by société to associate and Director-General [621]***

(1) Every *société* required to submit a return under section 119(2) shall, not later than 30 September in every year -

(a) give to each associate a statement showing the share of income accruing to him, in respect of the preceding income year; and

(b) at the same time, submit to the Director-General, in electronic form, a statement giving, in respect of the preceding income year, the particulars of the share of income accruing to each associate.

(2) The statements under subsection (1) shall contain such other particulars as may be required, and shall be made in such form and

manner as may be approved, by the Director-General.

(3) The manager of every *société* required to submit a return under section 119 shall make the necessary arrangements to obtain from the Director-General the Tax Account Number (TAN) of every associate of the *société* and insert it in the statements required to be submitted under subsection (1).

(4) Where, in an income year, a *société* is required to submit a return under subsection (1), it shall continue to submit a return under that section unless otherwise authorised, in writing, by the Director-General.

## 120. Return in respect of the estate of a deceased person

(1) Subject to subsection (4), where the estate of a deceased taxpayer has not been distributed, any person liable to income tax under section 83 shall, in respect of an income year, submit electronically to the Director-General, not later than 30 September [622]* following that income year, a return in such form and manner as may be determined by the Director-General, specifying -

(a) all income derived by the estate during the preceding income year;

(b) the full name of the beneficiaries and the respective share of their income in the estate; and

(c) such other particulars as may be required by the Director-General.[623]*

(2) **Repealed**

(3) Every beneficiary of the estate shall be liable to income tax on his chargeable income including his share of the income derived from the estate.

(4) The Director-General may, by notice in writing, exempt the person from submitting the return under subsection (1) on such conditions as he thinks fit.

## 121. Penalty for late submission of return of income

(1) Subject to subsection (1A), where a person fails to submit a return under sections 112,112A,116 or 119, he shall be liable to pay to the Director-General a penalty representing 2,000 rupees per month or part of the month, until the time the return is submitted, provided that the total penalty payable shall not exceed 20,000 rupees. [624]*

(1A) (a) Where the person is a small enterprise which has an annual turnover not exceeding 10 million rupees or an individual who is not in business, the total penalty payable under subsection (1) shall not exceed 5,000 rupees.[625*]

(b) This subsection shall not apply to –

(i) a company holding a Global Business Licence under the Financial Services Act; and

(ii) a non-resident *société*.

(2) Where a company, *société*, trust or trustee submits a return under section 116 but does not fill in all the parts of the return, it shall be deemed not to have submitted a return under section 116 and it shall be liable to pay to the Director-General the penalty specified in subsection (1).[626*]

(3) Notwithstanding subsections (1) and (2), where a person is liable to the penalty under subsection (1) or (2) and is required to submit his return in a currency other than Mauritius currency, the amount of the penalty specified in subsection (1) or (2) shall be converted into that currency by applying the exchange rate as the Director-General may determine under section 7 of the Customs Tariff Act.[627*]

**122. Penalty for late payment of tax [628*]**

(1) Subject to subsection (1A), where a taxpayer fails to pay any income tax due on or before the last day on which it is payable under section 112, 116 [629*], 119, 129,129A or 131, he shall be liable to pay to the Director-General, in addition to the tax and any penalty under sections 109, 110, 111 and 121, a penalty of 5 per cent of the amount of the tax.

(1A) (a) Where the taxpayer is a small enterprise which has an annual turnover not exceeding 10 million rupees or an individual who is not in business, the penalty payable under subsection (1) shall be 2 per cent.[630*]

(b) This subsection shall not apply to –

(i) a company holding a Global Business Licence under the Financial Services Act; and

(ii) a non-resident *société*.

(2) A penalty under subsection (1) shall apply to the tax excluding any penalty under sections 109, 110, 111 and 121 and any interest under section 122D.

**122A. Publication of names of companies not submitting returns [631]***

(1) Notwithstanding section 13 of the Mauritius Revenue Authority Act 2004 and section 154 of this Act but subject to subsection (2), where a company fails to submit a return under section 116, the Director-General may, without prejudice to any action he may take under this Act, with the approval of the Authority, cause to be published, not less than 3 months after the due date, on the website of the Authority, the name of the company, the name and address of its directors and the year of assessment in respect of which the return has not been submitted.[632]*

(2) The Director-General shall, prior to the publication referred to in subsection (1), notify the company in writing or electronically of his intention to publish the name of the company in accordance with subsection (1), unless the company submits the return due within 7 days of the date of the notice.[633]*

**122B. Automatic tax claim in case of non submission of return [634]***

(1) Where, in respect of a year of assessment -

(a) a person deriving gross income falling under Sub-Part B of Part VIII who is required to submit a return under section 112 or 113; or

(b) a company which is required to submit a return under section 116,

does not submit such return, the Director-General may, without prejudice to the other provisions of this Act, automatically issue a tax claim for that year of assessment to the person specifying the amount of income tax payable.

(2) The amount claimed under subsection (1) shall be payable within 28 days of the date of issue of the tax claim.

(3) Any person who disagrees with the amount of income tax claimed under subsection (1) shall, within the time limit specified in subsection (2) -

(a) give written notice of his disagreement; and

(b) at the same time -

(i) submit the return of income for the relevant year of assessment; and

(ii) pay the income tax in accordance with the return of income, if any; and

(iii) pay the appropriate penalties.

(4) Where a person complies with subsection (3), the tax claim under subsection (1) shall automatically lapse.

(5) Where a person fails to comply with subsection (2) or (3), the Director-General shall proceed -

(a) to enforce payment of the tax claimed under Part XI; and

(b) to institute legal proceedings for failure to submit a return under section 112, 113 or 116.

**122C. Penalty for failure to submit return of income electronically [635]***

Any person who is required to submit his return under section 116(3) and make any payment of tax electronically, but fails to do so, after written notice being given to him by the Director-General, and his failure within a period of 7 days from the date of the notice to justify the failure, shall be liable to pay to the Director-General, a penalty of - [636]*

(a) 20 per cent of the tax payable, provided that the penalty payable shall not exceed 100,000 rupees; or

(b) 5,000 rupees where no tax liability is declared in the return.

**122D. Interest on unpaid tax [637]***

(1) Any person who fails to pay any income tax under –

(a) section 100 or 129A, shall be liable to pay, in addition to the income tax and penalty under sections 101 and 101A, interest at the rate of one per cent per month or part of the month during which the income tax remains unpaid; or

(b) section 50F, 106, 112, 116, 119, 129 or 131 shall be liable to pay, in addition to the income tax and penalty under sections 50F, 109, 110, 111, 121, 122, 122C and 129(1A), interest at the rate of 0.5 per cent per month or part of the month during which the tax remains unpaid.[638]*

(2) The interest shall not apply to any penalty under sections 50F, 101, 101A, 109, 110, 111, 121, 122, 122C and 129(1A).[639]*

**122DA. Penalty for loss over claimed [640]***

(1) Where a person has claimed a loss in excess of the actual loss incurred or brought forward, he shall be liable to a penalty of up to 5 per cent of the loss overclaimed.

(2) Any penalty charged under subsection (1) shall be offset against the amount of loss to be carried forward, where applicable.

## Sub-Part D – Returns on Cash Basis for Small Enterprise [641]*

### 122E. Application to compute net income on cash basis

(1) Notwithstanding this Act but subject to this section, a small enterprise may apply to the Director-General, in such form and manner as the Director-General may determine, for the net income of its business to be computed on cash basis instead of accrual basis.

(2) Where a small enterprise applies under section 27E of the Value Added Tax Act to operate the VAT annual accounting system on a cash basis, it shall be considered to have also applied to compute the net income of its business on a cash basis.

(3) Where the application of a small enterprise under subsection (1) has been approved, the small enterprise shall compute the net income of its business on cash basis as from such date as the Director-General may approve and on such terms and conditions as may be prescribed.

(4) In this section –

"small enterprise" –

(a) means a person who has an annual turnover not exceeding 10 million rupees; but

(b) does not include –

(i) a company holding a Global Business Licence; and

(ii) a non-resident société.

## PART IX - GENERAL POWERS OF DIRECTOR-GENERAL

### 123. Power to require information

(1) Notwithstanding any other enactment, every person shall, when so required by notice in writing or sent electronically, furnish to the Director-General in such manner and in such form as may be approved by him, within the time specified in the notice, information and particulars relating to -[642]*

(a) contracts for the provision of goods and services;

(b) rent or premium on property;

(c) dividends and interest paid;

(d) emoluments payable; and

(e) such other transactions,

which the Director-General considers necessary or relevant for the purposes of this Act and which may be in the possession or custody or under the control of that person.

(2) Any person shall, when so required by notice in writing or sent electronically, furnish to the Director-General, within the time specified in the notice, information as to any money, funds or other assets which may be held by that person for, or of any money due by that person to, any other person.[643*]

(3) Repealed [644*]

(4) Notwithstanding section 64 of the Banking Act, the Data Protection Act, the Information and Communication Technologies Act 2004[645*] and any other enactment, the Director-General may require from any person information relating to -

(a) interest paid to any depositor; [646*]

(b) any account or deposit operated, made or opened, as the case may be, by any client, customer or patron of that person, whether such account or deposit is in his own name, in a fictitious name in the name of any other person or is held jointly with any other person, upon the Director-General stating in writing that -[647*]

(i) he has reason to believe that the client, customer or patron has been convicted of an offence relating to dangerous drugs or has been or is illicitly in possession of or has been or is illicitly dealing in dangerous drugs or dangerous weapons, or an offence of money laundering or financing of terrorism; [648*]

(ii) he reasonably requires the information in order to prevent any evasion of income tax or any fraud on the public revenue; or

(iii) a payment has wrongly been credited in that bank account [649*].

(5) Where any person who is required to furnish any information under subsection (4)(b) considers that the Director-General's request is unreasonable, he may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act 2004.[650*]

(6) At the hearing on the representations before the Committee, it shall be sufficient for the Director-General to satisfy the Committee that he has reasonable grounds to request the disclosure of the information.[651*]

(7) Repealed [652*].

(8) Every person who fails to comply with a request made by the Director-General under subsection (4)(b) shall, unless the request of the Director-General has been cancelled following the hearing on the representations before the Committee, [653*]commit an offence and shall, on conviction [*by the Intermediate Court*][654*], be liable to a fine which shall not exceed one million rupees.

[*(9)*] Deleted [655*]

**123A. Act or thing in respect of a period before 3 years of assessment preceding that year of assessment [656*]**

(1) Notwithstanding this Act and subject to sections 127 and 130, the Director-General shall, in any year of assessment and in relation to the income tax liability of a person, not – [657*]

(a) require any information, statement or return; or

(b) make any assessment or claim,

under this Act in respect of a period before 3 years of assessment immediately preceding that year of assessment, unless a return of income under section 112, 116 or 119, as the case may be, in respect of a year of assessment, has not been submitted by a taxpayer or in case of fraud.[658*]

(2) Repealed [659*]

(3) Repealed [660*]

**123B. Statement by company having annual turnover exceeding 100 million rupees [661*]**

(1) Where the annual turnover of a company exceeds 100 million rupees, it shall submit to the Director-General a statement giving details of payments made during the year for the purchase of goods and services in excess of 100,000 rupees and giving such information and particulars within such time and in such manner as may be prescribed.

(2) Where, in a year, a company is required to submit a statement under subsection (1), it shall submit the statement in respect of every

succeeding year, unless otherwise authorised in writing by the Director-General.

(3) Where a company does not submit a statement under subsection (1) within the prescribed time, it 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 statement is submitted to the Director-General, provided that the total penalty payable shall not exceed 20,000 rupees.

(4) Where a penalty is payable under subsection (3), the Director-General shall make a claim to the company specifying the amount of penalty payable and the reason for making such a claim.

(5) Where a claim is made under subsection (4), the company shall pay the amount of penalty within 28 days of the date of the claim.

(6) Any company which fails to comply with subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

**123C. Submission of statement of assets and liabilities by individuals [662]***

(1) Subject to this section, every person who – [663]*

(a) in an income year, derives net income and exempt income exceeding 15 million rupees; or

(b) owns assets, the cost of which, when aggregated with the cost of assets owned by his spouse and dependent children, exceeds 50 million rupees,

shall submit to the Director-General, a statement of assets and liabilities at the time of submission of his return under section 112.

(1A) Where the cost of an asset does not exceed 200,000 rupees, the person may exclude that asset in the statement of assets and liabilities.

(1B) Where a person is liable to submit a statement of assets and liabilities at the end of an income year, he shall not be liable to submit another statement of assets and liabilities in respect of the succeeding income year unless the cost of the assets owned by the person, his spouse and dependent children have, in the aggregate, increased by more than 15 per cent.

(1C) A citizen who is not resident in Mauritius, for tax purposes, or a non-citizen shall not be liable to submit a statement of assets and liabilities under subsection (1).

(2) The statement of assets and liabilities shall be in the form set out in the Twelfth Schedule.[664]*

(3) Where a person does not submit a statement of assets and liabilities under subsection (1), he shall be liable to pay to the Director-General a penalty of 2,000 rupees per month or part of the month, until the statement is submitted to the Director-General, provided that the total penalty shall not exceed 20,000 rupees.

(4) A person shall not, in respect of an income year, be required to submit a statement of assets and liabilities with his return of income under subsection (1) where he has submitted a return of income for each of the 5 income years immediately preceding that income year.[665*]

(5) Notwithstanding any other enactment, this section shall be deemed to have come into operation on 1 July 2018.

**123D. Statements of financial transactions or statements on life insurance[666*]**

(1) (a) Subject to this section, every bank or non-bank deposit taking institution under the Banking Act shall furnish to the Director-General, on or before 15 August in every year, a statement of financial transactions with respect to bank accounts other than those specified in paragraph (aa) held by[667*] –

(i) an individual in his own name or jointly with any other person, a société or a succession where a deposit exceeding 250,000 rupees or deposits exceeding 2 million rupees in the aggregate in the preceding year have been made; or

(ii) a person, other than an individual, a société or succession, where a deposit exceeding 500,000 rupees or deposits exceeding 4 million rupees in the aggregate in the preceding year have been made.

(aa) Subject to this section, every bank or non-bank deposit taking institution under the Banking Act shall furnish to the Director-General, on or before 15 August in every year, a statement of financial transactions with respect to credit card accounts or prepaid card accounts held by[668*] –

(i) an individual in his own name or jointly with any other person, a société or a succession where a deposit exceeding 100,000 rupees or deposits exceeding one million rupees in the aggregate in the preceding year have been made; or

(ii) a person, other than an individual, a société or succession, where a deposit exceeding 250,000 rupees or deposits exceeding 2 million rupees in the aggregate in the preceding year have been made.

(b) A Statement of financial transactions shall, in respect of an account holder, be submitted electronically to the Director-General in such form and manner as he may determine, giving the following information –

(i) his full name;

(ii) his NIC number or, in the case of a non-citizen, the identification number issued to him by the immigration officer, or passport number or Business Registration Number, as the case may be;

(iii) bank account number and the total deposit made in each account held by him; and

(iv) the balance as at 30 June in the preceding year;

(c) Paragraph (a) shall not apply to –

(i) an individual who is a non-resident;

(ii) an entity that holds a Global Business Licence issued by the Financial Services Commission; and

(iii) public listed company, its subsidiaries and associates;

(2) (a) Every bank or person holding a money changer licence or exchange dealer licence under the Banking Act shall submit to the Director-General, on or before 15 August in every year, a Statement of financial transactions in respect of every person, other than a Ministry, Government department, local authority or statutory body, the Rodrigues Regional Assembly or an entity that holds a Global Business Licence issued by the Financial Services Commission, having bought, sold or transferred, other than local intra-account transfers, foreign currency equivalent to 100,000 Mauritian rupees or more in one transaction during the preceding year.[669]*

(b) A Statement of financial transactions shall, in respect of the person referred to in paragraph (a), be submitted electronically to the Director-General in such form and manner as he may determine giving the following information –

(i) his full name;

(ii) his NIC number or, in the case of a non-citizen, the identification number issued to him by the immigration officer, or passport number or his Business Registration Number, as the case may be;

(iii) the amount of foreign currency bought, sold or transferred; and

(iv) the equivalent value of the foreign currency in Mauritian rupees.

(3) (a) Every company licensed by the Financial Services Commission to carry on life insurance business shall submit to the Director-General, on or before 15 August in every year, a Statement of the amount of life

insurance premium exceeding 250,000 rupees paid in respect of a person during the preceding year.[670]*

(b) A Statement of life insurance shall, in respect of the person referred to in paragraph (a), be submitted electronically to the Director-General in such form and manner as he may determine, giving the following information –

(i) his full name;

(ii) his NIC number or, in the case of a non-citizen, the identification number issued to him by the immigration officer, or passport number or Business Registration Number, as the case may be; and

(iii) the total life insurance premium paid.

(3A) Every virtual asset service provider and issuer of initial token offerings under the Virtual Asset and Initial Token Offering Services Act 2021 shall submit to the Director-General, on or before 15 August in every year, a statement of financial transactions effected by [671]* –

(a) an individual, a société or a succession that made a transaction exceeding 250,000 rupees or transactions exceeding 2 million rupees in the aggregate in the preceding year; or

(b) a person, other than an individual, a société or a succession, who made a transaction exceeding 500,000 rupees or transactions exceeding 4 million rupees in the aggregate in the preceding year.

(3B) Subsection (3A) shall not apply to [672]* –

(a) an individual who is a non-resident;

(b) an entity that holds a Global Business Licence issued by the Financial Services Commission; and

(c) a public listed company, its subsidiaries and associates.

(4) In this section –

"**deposit**" –

(a) means any amount credited into a bank account; but

(b) does not include –

(i) any emoluments credited into that account;

(ii) intra-account transactions, other than those credited in a credit or prepaid card account[673]*; and

(iii) loan disbursements credited into that account.

**123E. Statement of winnings [674]***

(1) Subject to this section, a licensed operator shall submit to the Director-General a statement of the amount of winnings exceeding 20,000 rupees paid to any person.[675]*

(2) The statement under paragraph (1) shall be submitted electronically to the Director-General, together with the return submitted under section 115 of the Gambling Regulatory Authority Act, and shall contain the following information in relation to the winner –

(a) his full name;

(b) in the case of a citizen, his NIC number or, in the case of a non-citizen, his passport number or non-citizen ID issued by the Passport Officer; and

(c) the amount of winnings.

(3) In this section –

"**operator**" means a casino operator, hotel casino operator, gaming house operator, bookmaker, totalisator, operator of Mauritius National Lottery, operator of the Loterie Vert and an agent of a foreign pool operator licensed under the Gambling Regulatory Authority Act.[676]*

**123F. Statement of donation received[677]***

Subject to this section, every charitable institution which receives donations from any person shall, with respect to every income year, on or before 15 August immediately following that income year, submit to the Director-General, electronically, a statement, in such form and manner as may be determined by him, giving the details of the donations received and stating –

(a) the NIC number of the individual, or in any other case the Business Registration Number, and the name of the person making the donation;

(b) the amount donated; and

(c) any other particulars as may be required by the Director-General.

**124. Obligation to furnish information**

(1)[678]*Notwithstanding section 44(6) of the Financial Services Act, sections 24 and 25 of the Data Protection Act, section 14(7) of the Companies Act, section 64 of the Banking Act, section 46(1) of the Foundations Act or section 33(2) of the Trusts Act, every person, when so required

by the Director-General, shall, within the time fixed by the Director-General, give orally or in writing ,or submit electronically, as may be required, all such information as may be demanded of him by the Director-General for the purpose of enabling the Director-General –

(a) to make an assessment or to collect tax; or

(b) to comply with any request for the exchange of information under an arrangement made pursuant to section 76.

(1A) Notwithstanding the Information and Communication Technologies Act and the Data Protection Act, where the Director-General has reason to believe that a person – [679]*

(a) is using any information and communication technology equipment for business purposes, he may request any public operator or service provider licensed under the Information and Communication Technologies Act, within the time fixed by the Director-General, to provide all such information regarding the identity and address of the person using that equipment; or

(b) operates his business through any information and communication technology network, that person shall, on request, furnish to the Director-General all such information regarding his business transactions recorded digitally.

(2) Any person, when so required by notice in writing, or sent electronically, shall furnish to the Director-General, within the time specified in the notice -[680]*

(a) a certified copy of the profit and loss account and balance sheet, or such other statement of account as may be required, duly audited by a qualified auditor;

(b) a statement analysing all moneys or value received and payments made by the person, his spouse and minor children; [*and*] [681]*

(c) a statement of all assets and liabilities of the person, his spouse and minor children;

(d) where the request relates to subsection (1)(b), such information as may be specified in the notice for the purpose of satisfying the request under that subsection.[682]*

(3)[683]* (a) The Minister may make such regulations as he thinks fit to provide for –

(i) the giving of information by any person to the Director-General under this section;

(ii) non-compliance by any person with any request for information by the Director-General for the purpose of enabling the Director-General to comply with a request for the exchange of information under an arrangement made pursuant to section 76.

(b) Regulations made under paragraph (a) may provide for –

(i) any penalty to be imposed in case of non-compliance;

(ii) the manner by which the penalty is to be assessed;

(iii) the manner in which an objection may be made to a penalty and representations may be made to the Assessment Review Committee;

(iv) anything connected, consequential or incidental thereto.

(4) [684]* (a) Notwithstanding section 64 of the Banking Act, section 14(7) of the Companies Act, the Data Protection Act 2017, section 44(6) of the Financial Services Act, section 46(1) of the Foundations Act or section 33(2) of the Trusts Act, nothing in subsection (1) shall prevent the Judge in Chambers, upon application being made to him by the Director-General, from making an order requiring a person to give to the Director-General information for the purpose of enabling the Director-General to comply with a request for the exchange of information under an arrangement made pursuant to section 76.

(b) An order under paragraph (a) shall not be made unless the Judge is satisfied that –

(i) a person has failed to comply with subsection (1) within the time fixed by the Director-General; and

(ii) the order is necessary to enable the Director-General to comply with a request for the exchange of information under an arrangement made pursuant to section 76.

(c) An order under paragraph (a) shall specify the delay within which a person shall give information to the Director General.

**125. Production of books and records**

The Director-General may, for the purposes of ascertaining the tax liability of any person, require that person -

(a) to produce for -

(i) examination, at such time and place as may be specified, books, accounts, records, registers, bank statements and other documents whether on computer or otherwise,[685]* which the

Director-General considers necessary and which may be in the possession or custody or under the control of that person;

(ii) retention for such period as the Director-General considers necessary any book, account, record, register, statement or document specified in subparagraph (i) and for taking copies or extracts therefrom;

(b) to attend, at such time and place as the Director-General may specify, for the purpose of being examined in respect of any transaction or matter relating to the income tax liability of that person;

(c) to attend a meeting through teleconferencing to give any information or explanation as may be required by him.[686]*

**126. Power of inspection**

(1) For the purposes of ascertaining the tax liability of any person or the tax paid or payable or for making any assessment under this Act or for the purpose of administering this Act, the Director-General or any officer authorised by him may -

(a)[687]* at all reasonable times, enter any business premises or place where any business is carried on or anything is done in connection with the business;

(b) inspect any information, book, record or other document, whether these are recorded in a computer system or otherwise, and retain any such information, book, record or document and take copies or extracts therefrom; and

(c) require the person carrying on the business or any of his employees or any other person on those premises or at that place to give him all reasonable assistance and to answer all proper questions either orally or in writing.

(2) Any person who -

(a) fails to provide such assistance or to answer such questions as may be required under subsection (1);

(b) obstructs the Director-General or any officer in the exercise of his powers under subsection (1),

shall commit an offence.

**126A. Power to access computers and other electronic devices [688]***

(1) For the purposes of ascertaining the tax liability of any person under this Act, the Director-General may, subject to subsection (2), at any reasonable time -

(a) have access to -

(i) any computer, computer software, whether installed in the computer or otherwise, electronic till or any other device, used in connection with any document which the person is required to produce for the purpose of ascertaining his tax liability;

(ii) any information, code or technology which has the capability of retransforming or unscrambling encrypted data contained or available to such computers or devices into readable and comprehensive format or text;

(b) inspect and check the operation of any such computer, electronic till or other device and make extracts of any computer software, computer output or such other document used in connection therewith;

(c) require any person by whom or on whose behalf the computer or other electronic device is operated, or any person concerned with the operation of the equipment, to give such assistance as is necessary for the purposes of this section;

(d) require any person in possession of decryption information to grant him access to such decryption information necessary to decrypt data required for the purposes of this section.

(2) Subsection (1) shall not apply to any banking business regulated by the Banking Act.

**127. Time limit to require information and production of books and records**

(1) Subject to subsections (2) and (3)[689]*, the Director-General shall not, in a year of assessment, require a person -

(a) to furnish the information required to be furnished under sections 123(1) and 124; or

(b) to produce the books and records required to be produced under section 125,

in respect of a period beyond 3 years of assessment preceding that year of assessment.[690]*

(2) Where the Director-General, in a year of assessment, requires a person to furnish information under section 124, or to produce books and records under section 125, for the purposes of examining a return submitted by that person under section 112, 113 or 116, the time limit under subsection (1) shall be a period of 3 years of assessment following the year of assessment in which the return is submitted.[691*]

(3)[692*] Where the Director-General considers that the information or the books and records referred to in subsection (1) or (2) [693*] are required to be furnished or produced in respect of a period beyond the time limit specified in that subsection, he shall, by notice in writing to the person give reasons for which such information or such books and records are required.

(4)[694*] Any person aggrieved by a notice under subsection (3)[695*] may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act 2004.[696*]

**128. Power to waive penalty or interest**

(1) The Director-General may waive the whole or part of any penalty or interest imposed under this Act where he is satisfied that failure to comply with this Act was attributable to a just or reasonable cause.

(2) In the exercise of his power under subsection (1), the Director-General shall, in writing, record the reasons for waiving the whole or part of the penalty or interest.[697*]

**128A. Use of computer system [698*]**

(1) Notwithstanding the other provisions of this Act, the Director-General may authorise a return, document and payment of income tax or any act or thing which is required to be done in relation thereto, to be made, submitted or done electronically through such computer system as may be approved by him.[699*]

(2) A person who submits a return or document and pays income tax in the manner specified in subsection (1) shall continue to submit returns or documents and pay tax in that manner unless otherwise authorised by the Director-General.

(3) Where, immediately before the commencement of this section, a person has been submitting a return or document and has been paying income tax electronically, the computer system of that person shall be deemed to have been approved by the Director-General for the purposes of subsection (1).

(4) Deleted[700*]

# PART X - ASSESSMENTS, OBJECTIONS AND REVIEW OF ASSESSMENTS [701]*

## 129. Director-General may make assessments

(1) Where, in respect of a year of assessment, the Director-General -

(a) is not satisfied with the return submitted by a person under sections 112,112A, 113, 116 or 119[702]*, as the case may be; or

(b) has reason to believe that a person who has not submitted a return of income is a taxpayer,

he may, according to the best of his judgement, make an assessment of the amount of chargeable income of, and income tax payable by, including any penalty under sections 109, 110, 111, 121, 122 and 122C and any interest under section 122D, that person for that year of assessment and give him written notice of the assessment. [703]*

(1A) Where an assessment is made under subsection (1), the amount of tax claimed, excluding any penalty under sections 109, 110, 111, 121, 122 and 122C and any interest under section 122D, shall carry a penalty not exceeding 50 per cent and such penalty shall be part of the tax claimed.[704]*

(2) Where the Director-General has given written notice to any person of an assessment under subsection (1), that person shall pay the income tax within 28 days of the date of the notice of assessment.

(3) **Deleted** [705]*

## 129A. Assessments on employers and payers [706]*

(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.

(1A) Where an assessment is made under subsection (1), the amount of additional tax claimed, excluding any penalty and interest under sections 122 and 122D, respectively, shall carry a penalty not exceeding 50 per cent of the amount of additional tax claimed.[707]*

(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 or electronically.[708]*

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

**130. Time limit to make assessments**

(1) Subject to subsection (2), the Director-General shall not, in a year of assessment, make an assessment under section 129 or 129A in respect of a period beyond 3 years of assessment preceding the year of assessment in which a return under section 112, 113, 116 or 119, as the case may be, is made [709]*.

(2) The Director-General may, at any time, make an assessment under section 129 or 129A –

(a) where a return of income under section 112,116 or 119, as the case may be, in respect of a year of assessment has not been made; or

(b) in case of fraud.[710]*

**131. Special assessments**

(1) Where the Director-General is not satisfied with the return submitted by a person under section 115 or 117, as the case may be or has reason to believe that a person who has not submitted a return under those sections is a taxpayer, he may make an assessment of the amount of chargeable income of and income tax payable by, including any penalty under section 109, 110, 111, 121 or 122, as the case may be, and any interest under section 122D, that person and give him written notice of the assessment.[711]*

(2) Notwithstanding section 112 or 116, where the Director-General has made an assessment under subsection (1), he may in the notice require that person -

(a) to pay the income tax assessed within such time as may be specified in the notice; or

(b) to give security to the satisfaction of the Director-General for the payment of the income tax.

(3) **Deleted** [712]*

**131A. Objection to assessments [713]***

(1) Subject to subsection (6) [714]*, where a person who has been assessed to income tax under section 129,129A or 131 is dissatisfied with the assessment, 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 or electronically through such computer system as the Director-General may approve under section 128A(1) [715]*.

(2) Where a person makes an objection under subsection (1), he shall -[716]*

(a) specify in the form, in respect of each of the items in the notice of assessment, the detailed grounds of the objection;

(b) where he has not submitted for the relevant income year his APS Statement under section 50B or his Statement of Income under section 106 or his return of income under section 112, 115, 116 or 117 –

(i) submit, at the time of his objection, the required APS Statement, Statement of Income or return;

(ii) pay, at the time of his objection, any amount of tax specified in the APS Statement, Statement of Income or return referred to in subparagraph (i), together with any penalty under sections 50F,109, 110, 121(1), 122 and 122C and any interest under section 122D; and

(iii) in addition, at the time of his objection, pay 10 per cent of the difference between the amount claimed in the notice of assessment and the amount of tax payable under subparagraph (ii); and [717]*

(c) where he has submitted, prior to the assessment, the APS Statement required under section 50B, Statement of Income required under section 106 or return required under section 112, 115, 116 or 117 – [718]*

(i) pay, at the time of his objection, any outstanding tax on the APS Statement, Statement of Income or return; and

(ii) pay 10 per cent of the tax claimed in the notice of assessment.

(2A) Where the person, within the time limit referred to in subsection (1), satisfies the Director-General on reasonable grounds that he is unable to pay the amount of income tax under subsection (2)(b) or (c) in one sum, the person shall – [719]*

(a) pay that amount; or

(b) give security by way of a bank guarantee,

on such terms and conditions as may be determined by the Director-General.[720]*

(3) Subsection (2)(b)(iii) or (c) shall not apply where a person objects exclusively to the amount of gross income assessed as emoluments or to the amount of personal reliefs and deductions under Sub-Part C of Part III allowed as deductions in the notice of assessment.[721]*

(4)[722]*Where a person who has made an objection under subsection (1), has not, for the relevant income year, submitted his Statement of Income under section 106 or his return of income under section 112, 115, 116 or 117, he shall, within 28 days of the date of the notice of assessment, comply with the provisions of those sections as appropriate.

(5) Any objection under this section and section 131B shall be dealt with independently by an objection directorate[723]*set up by the Director-General for that purpose.

(6) Where -

(a) the Director-General considers that the person has not complied with the provisions of subsection (2) and (2A)[724]*; or

(b) the person has not complied with the provisions of subsection (4)[725]*,

the objection shall be deemed to have lapsed and the Director-General shall give notice thereof.

(7) (a) Where it is proved to the satisfaction of the Director-General that, owing to illness or other reasonable cause, a person has been prevented from making an objection within the time specified in subsection (1), the Director-General may consider the objection on such terms and conditions as he thinks fit.

(b) Where the Director-General refuses to consider a late objection under this subsection, he shall, within 28 days of the date of receipt of the letter of objection, give notice of the refusal to the person.

(8) Where a notice under subsection (6) or (7)(b) is given, the tax specified in the notice of assessment together with any interest under section 122D shall be paid within 28 days of the date of the notice under subsection (6) or (7)(b), as the case may be.[726]*

(9) Any person who is aggrieved by a decision under subsection (6) or (7)(b) may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act 2004.[727*]

(10) (a) Where a person has lodged written representations under subsection (9) against a decision made under subsection (6) and, prior to the date fixed for the hearing of his representations –[728*]

(i) he complies with subsection (2) or (2A);

(ii) he informs the Assessment Review Committee in writing, with copy to the Director-General, that he has complied with subsection (2) or (2A), as the case may be, and wishes his objection to be considered anew by the Director-General; and

(iii) he withdraws his representations from the Assessment Review Committee,

the Director-General shall consider the objection as from the date that person withdraws his representations from the Assessment Review Committee.

(b) Notwithstanding section 131B(8A), an objection considered pursuant to paragraph (a) shall be determined within 4 months from the date the person withdraws his representations before the Assessment Review Committee.

**131AA. Objection to claims [729*]**

(1) Subject to subsection (6), where a person who has been issued with a claim under section 93, 111K, 111Z (5) or 123B (5) is dissatisfied with the claim, he may, within 28 days of the date of the claim, object to the claim in such manner as the Director-General may determine.[730*]

(2) Where a person makes an objection under subsection (1), he shall specify the grounds of the objection.

(3) Where an employer who has made an objection under subsection (1) has not, for the relevant year, submitted the Return of Employees, return under section 112, 116 or 119 or statement, as the case may be, he shall, within 28 days of the date of the claim, submit the Return of Employees, return or statement, as the case may be.[731*]

(4) Any objection under this section shall be dealt with independently by an objection directorate set up by the Director-General for that purpose.

(5) Where the Director-General considers that the person has not complied with subsection (1), (2) or (3), the objection shall be

considered to have lapsed and the Director-General shall give notice of that fact.

(6) (a) Where it is proved to the satisfaction of the Director-General that, owing to illness or other reasonable cause, a person has been prevented from making an objection within the time specified in subsection (1), the Director-General may consider the objection on such terms and conditions as he may determine.

(b) Where the Director-General refuses to consider an objection made after the time referred to in subsection (3), he shall, within 28 days of the date of receipt of the notice of objection, give notice of the refusal to the person.

(7) Where notice under subsection (5) or (6)(b) is given, the levy and penalty specified in the notice shall be paid within 28 days of the date of the notice.[732]*

(8) Any person who is aggrieved by a decision under subsection (6)(b) may lodge written representations with the Clerk to theAssessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act.

**131B. Determination of objections[733]***

(1) Subject to subsection (3), where the Director-General does not refuse to consider an objection under section 131A, he shall –

(a) review the assessment;

(b) disallow or allow it in whole or in part; and

(c) where appropriate, amend the assessment to conform with his determination.

(2) The Director-General shall give notice of the determination to the person.

(3) For the purposes of considering an objection and reviewing an assessment, the Director-General may by notice, require the person, within the time fixed by the Director-General, to comply with any of the provisions of sections 124 and 125.

(4) Where the person fails to comply with a notice under subsection (3) within the time specified in the notice, the Director-General may determine that the objection has lapsed and he shall give notice thereof.

(5) Where a notice of determination under subsection (2) or (4) is given, the tax specified in the notice of determination together with any interest under section 122D shall be paid within 28 days of the date of the notice of determination.[734]*

(6) Where the objection is upheld in whole or in part, any amount of income tax paid under section 131A in excess of the amount

determined to be properly payable, shall be refunded together with interest at the prevailing Key rate determined by the Bank of Mauritius, free of income tax, from the date the payment is received by the Director-General to the date it is refunded.[735*]

(7)[736*] A notice of determination under subsection (2) or (4) in respect of an assessment -

(a) made prior to 1 October 2006, shall be given to the person within 6 months of the date on which the objection is lodged; or

(b) made on or after 1 October 2006, shall be given to the person within 4 months of the date on which the objection is lodged.[737*]

(8) Where the objection is not determined within the period specified in subsection (7), the objection shall be deemed to have been allowed by the Director-General.

(8A) (a) Where the Director-General does not refuse to consider an objection under section 131AA, he shall review the claim and revise the levy or penalty charged under section 93, 111K, 111Z (5) or 123B (3) in whole or in part.[738*]

(b) The Director-General shall give notice of the determination to the person.

(c) Where a notice of determination under paragraph (b) is given, the penalty specified in the notice of determination shall be paid within 28 days of the date of the notice of determination.

(d) A notice of determination under paragraph (b) shall be given to the person within 4 months of the date on which the objection is lodged.

(9) Any person who is aggrieved by a determination under this section may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act 2004.[739*]

(10) (a) Where an agreement is reached before, or a decision is made by, the Assessment Review Committee established under section 18 of the Mauritius Revenue Authority Act, the Director-General, shall, within 5 working days of the date of receipt of the notification of the agreement or decision, as the case may be, issue a notice to the person specifying the amount of income tax payable.

(b) Where a notice is issued to a person under paragraph (a), the person shall pay the amount of income tax within 28 days of the date of the notice.[740*]

### 131C. Objection to determination of loss [741]*

(1) Where a person is dissatisfied with a determination by the Director-General of the quantum of losses available for set-off or carried forward under section 20 or 59, he may, within 28 days of the date of the notice of determination, object to the determination in a form approved by the Director-General specifying the detailed grounds of objection and sent to the Director-General by registered post.

(2) An objection under subsection (1) shall be dealt with by an objection directorate[742]* set up by the Director-General for that purpose.

(3) (a) Where it is proved to the satisfaction of the Director-General that, owing to illness or other reasonable cause, a person has been prevented from making an objection within the time specified in subsection (1), the Director-General may consider the objection on such terms and conditions as he thinks fit.

(b) Where the Director-General refuses to consider a late objection under paragraph (a), he shall, within 28 days of the date of receipt of the letter of objection, give notice of the refusal to the person.

(4) Section 131B(1) to (4), (7), (8) and (9) shall apply in all respects for the determination of objections under this section as they apply for the determination of objections under section 131A.

### 132. Additional assessment [743]*

(1) Subject to subsection (3), where in respect of a year of assessment, the Director-General has made an assessment under section 129, 129A or 131 and he subsequently finds that tax has been underclaimed, he may make an additional assessment of the amount of chargeable income and income tax which, in his opinion, ought to have been charged.

(2) An additional assessment under subsection (1) shall be deemed to be an assessment under section 129, 129A or 131, as the case may be, for the purpose of this Act and the person on whom an additional assessment is made may object or appeal against the additional assessment in the manner provided under Part X of this Act.

(3) The Director-General shall not make an additional assessment under this section after 3 years from the year of assessment to which the additional assessment relates.

### 133. Repealed [744]*

**134. Representations to Assessment Review Committee [745]***

Any person who is aggrieved by a decision, or determination, under sections 83, 98,[746]* 114(2), 123(4), 127(3), 131A, 131AA(6)(b), 131B and 131C(2) may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act 2004.[747]*

**135. Conclusiveness of assessment**

Except in proceedings on objection to assessments under section 131A or[(3)] on the hearing of representations[(4)] under section 134 -

(a) no assessment, decision or determination under this Act shall be disputed in any court or in any proceedings either on the ground that the person affected is not liable to income tax or the amount of tax due and payable is excessive or on any other ground; and

(b) every assessment, decision or determination shall be final and conclusive and the liability of the person so affected shall be determined accordingly.

## PART XI - RECOVERY OF TAX

**136. Application of Part IVC of Mauritius Revenue Authority Act**

The provisions of Part IVC of the Mauritius Revenue Authority Act shall apply to any tax which has remained unpaid under this Act.[748]*

**137. [***Recovery of tax in arrears from emoluments***] *Repealed* [749]***

**138. [***Recovery of tax by attachment* **] Repealed [750]***

**139. [***Recovery of tax by distress and sale***] Repealed [751]***

**140. [***Contrainte***] Repealed [752]***

**140A. [***Proceedings for temporary closing down of business***] Repealed [753]***

**141. [***Privilege***] Repealed [754]***

**142. [**Uninscribed privilege**] Repealed [755]***

**143. [***Security***] Repealed [756]***

**144**. **[***No limitation of action for recovery of tax***] Repealed[757]***

## PART XIA - COLLECTION AND RECOVERY OF SOCIAL CHARGES[758]*

### 144A. Collection and recovery of social charges by Director-General

(1) The Director-General shall –

(a) collect social charges;

(b) enforce payment of, and recover, any unpaid social charge in the same manner as income tax is recoverable under Part XI.

(2) In this section –

"**social charge**" means –

(a) a contribution, including surcharge, under the National Pensions Act;

(b) a contribution, including surcharge, under the National Savings Act;

(c) a training levy, including surcharge, under the Human Resource Development Act; and

(d) a recycling fee under the Employment Rights Act.

## PART XII - OFFENCES

### 145. Offences relating to PAYE

(1) Any person who -

(a) fails to register as an employer;

(aa) fails to make necessary arrangements to obtain from the Director-General a Tax Account Number in respect of an employee from whose emoluments tax is withheld;[759]*

(b) fails to pay the amount of tax required to be withheld;

(c) fails to pay the amount of tax in arrears required to be deducted;

(d) fails to give the Statement of Emoluments and Tax Deduction to his employee; or

(e) submits to his employer an Employee Declaration Form which is incorrect or false in any material particular,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 8 years.[760]*

(2) Any person who -

(a) gives a Statement of Emoluments and Tax Deduction which is false or misleading in any material particular;

(b) without lawful authority discloses any information concerning his employee,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 2 years.

**146. Offences relating to CPS**

(1) Where a person fails to submit a Statement of Income under section 106, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Where a person furnishes a Statement of Income under section 106 which is false or misleading in any material particular, he 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 2 years.

**146A. Offences relating to deduction of tax at source [761]***

Any person who -

(a) fails to pay the amount of income tax required to be deducted under section 111C;

(b) fails to give the statement of income tax deduction as required under section 111K(1)(a) and (3);

(c) fails to submit the statement of particulars as required under section 111K(1)(b), (2) and (3);

(d) submits a statement referred to in paragraph (b) or (c) which is false or misleading in any material particular;

(e) without lawful authority, discloses to any person, other than the Director-General, any information concerning any person subject to tax deduction under Sub-Part BA; or

(f) otherwise contravenes any provision of Sub-Part BA of Part VIII,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 8 years.[762]*

**146B. Offences relating to tax on winnings [763]***

Any person who –

(a) fails to pay the amount of tax required to be deducted under section 111P;

(b) fails to submit –

(i) the return of tax deduction as required under section 111Q;

(ii) the statement of winnings as required under section 123E;

(c) submits a return or statement referred to in paragraph (b) which is false or misleading in any material particular;

(d) otherwise contravenes any provision of Sub-part BC of Part VIII,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 8 years.

**146C. Offences relating to presumptive tax[764]***

Any person who –

(a) wilfully and with intent to evade income tax, holds himself to be a small enterprise under section 111V; or

(b) fails to pay tax or otherwise contravenes Sub-part BD of Part VIII,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and imprisonment for a term not exceeding 2 years.

**147. Offences relating to returns, books and records**

(1) Any person who wilfully and with intent to evade income tax -

(a) submits a false return of income;

(b) gives any false information;

(c) prepares or maintains or authorises the preparation or maintenance of any false books, records or documents or falsifies or authorises the falsification of any books, records or documents;

(d) produces for examination any false books, records or documents;

(e) makes default in the performance of any duty imposed on him under this Act;

(f) refuses or fails, to attend and give evidence when required by the Director-General or to answer truly and fully to any question put to him or to produce any document required of him; or

(g) misleads or attempts to mislead the Director-General, in relation to any matter or thing affecting his own or any other person's liability to income tax,

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 2 years.

(2) Where a person is convicted under subsection (1), he shall, in addition to any penalty imposed under subsection (1), be ordered by the court to pay an amount which shall not exceed[765*] 3 times the difference between -

(a) the income tax to which he is liable; and

(b) the income tax paid or payable in terms of any return of income submitted.

**148. Other offences**

(1) Any person who -

(a) fails to submit a return of income;

(aa) fails to make necessary arrangements to obtain from the Director-General a Tax Account Number in his name;[766*]

(b) fails to furnish information and particulars required for the purposes of this Act;

(c) fails to keep books and records;

(d) fails to produce books and records for examination;

(e) fails to pay any tax payable under this Act;

(ea) fails to submit a statement of assets and liabilities under section 123C; or[767*]

(f) otherwise contravenes this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Any person who commits an offence in respect of which no specific penalty is provided shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(3) Where a person is convicted under subsection (1)(a) for failure to furnish a return of income, he shall, in addition to any penalty imposed under subsection (1), be ordered by the court to furnish the return within such time as the court may order.

**148A [*Prosecution by Commissioner]* Deleted [768]***

**149. Compounding of offences [769]***

(1) (a) The Director-General may with the consent of the Director of Public Prosecutions[770]* compound any offence committed by a person under this Act, where such person agrees in writing to pay such amount acceptable to the Director-General representing -

(i) any income tax unpaid; and

(ii) an amount not exceeding the maximum pecuniary penalty imposable under this Act for such offence.

(b) For the purposes of paragraph (a), the Director- General shall chair a committee which shall consist of 3 other officers of the management team of the Authority.

(2) Every agreement under subsection (1) shall be made in writing under the hand of the Director-General and the person and witnessed by an officer.

(3) Every agreement under this section shall be final and conclusive and a copy thereof shall be delivered to the person.

(4) Where the Director-General compounds an offence in accordance with this section -

(a) the amount for which the offence is compounded shall be deemed to be tax assessed under this Act and shall be recoverable as income tax; and

(b) no further proceedings shall be taken in respect of the offence so compounded against the person.

**150. Tax payable notwithstanding prosecution**

Any person convicted of an offence under this Act or who has agreed to the compounding of an offence under section 149 shall not be relieved of his liability for payment of any income tax due.

## PART XIIA – NEGATIVE INCOME TAX [771]*

**150A. Negative Income Tax allowance [772]***

(1) Subject to this section, the Director-General shall pay to every individual who derives a monthly basic salary specified in the first column of the Eleventh Schedule, the corresponding Negative Income Tax allowance specified in the second column of that Schedule.

(2) No Negative Income Tax allowance shall be payable under subsection (1) unless –

(a) the individual is a citizen of Mauritius;

(b) the individual works for a minimum of 24 hours during at least 3 days in a week;

(c) the total monthly earnings of the individual does not exceed 20,000 rupees;

(d) the net income of the individual or his spouse, excluding any dividend and interest, in the current year, does not exceed 390,000 rupees; and

(e) the individual and the person by whom he is employed are both compliant with their contributions to the National Pensions Fund and the National Savings Fund as from the month in which the allowance is being claimed.

(3) Where an individual satisfies the requirements of subsections (1) and (2), he shall be paid the Negative Income Tax allowance on the basis of the information furnished by his employer in the return submitted to the Director-General under section 17 of the National Pensions Act.

(3A)[773]* (a) Where an individual satisfies the requirements of subsections (1) and (2) but is not paid the allowance, he may make an application to the Director-General, within 9 months after the month in respect of which the Negative Income Tax allowance is claimed.

(b) An application under paragraph (a) shall be made in such manner as the Director-General may determine.

(4) The Negative Income Tax allowance shall be paid at such interval as may be prescribed.

(5) (a) Where an individual benefits from Negative Income Tax allowance in a month and the Director-General finds that the individual is not entitled to the allowance, the Director-General shall issue a claim to the individual for repayment of the allowance within 28 days of the date of the claim.

(b) Where an individual fails to pay the amount claimed from him under paragraph (a), the Director-General may recover the amount under Part XI of this Act.

(6) In this section –[774]*

"**basic salary**" includes any additional remuneration;

"**earnings**" –

(a) means all salary and wages before any deduction for unpaid leaves and absences, overtime pay, leave pay and other allowances in money or money's worth, other than travelling and end-of-year bonus derived from employment; and

(b) includes any annuity, pension and basic retirement pension.

## PART XIIB – WAGE ASSISTANCE SCHEME [775]*

### 15OB. Wage Assistance Scheme

(1) In this section –

"COVID-19" means the disease caused by the virus known as novel coronavirus (2019-nCoV);

"eligible employee" –

(a) means an employee employed on a part-time or full-time basis –

(i) by an employer deriving gross income from business;

(ii) by a charitable institution approved by the Director-General or registered under the Registration of Associations Act, charitable trust or charitable foundation; or

(iii) by such other category of employer as may be prescribed; and

(iv) whose basic salary or wage for the month of March 2020, April 2020, May 2020 or such other month as may be prescribed, does not exceed 50,000 rupees; but

(b) does not include –

(i) an employee employed by a Ministry, a Government department, a local authority, a statutory body or the Rodrigues Regional Assembly;

(ii) an employee employed by such category of employer as may be prescribed; or

(iii) such category of employees as may be prescribed;

"export manufacturing enterprise" has the same meaning as in the National Savings Fund Act.

"SME" means a small or medium enterprise –[776]*

(a) whose turnover, in the case of a company, for the accounting year ended in the year 2020; or

(b) whose turnover, in any other case, for the year ended 30 June 2020,

did not exceed 50 million rupees.

(2) Subject to this Part, the Director-General shall, in respect of every eligible employee, pay to his employer –

(a) an allowance equivalent to 50 per cent of the basic salary or wage of that employee for the month of March 2020;

(b) an allowance equivalent to the basic salary or wage of that employee for the month of April 2020 where the main business activities of the employer are carried out in the Island of Mauritius;

(c) an allowance equivalent to 50 per cent of the basic salary or wage of that employee for the month of April 2020 where the main business activities of the employer are carried out in the Island of Rodrigues or Island of Agaléga;

(d) an allowance equivalent to the basic salary or wage of that employee for the month of May 2020 where the main business activities of the employer are carried out in the Island of Mauritius;

(e) such other allowance, and for such other month, and for such categories of employers or employees, as may be prescribed.

(3) The maximum allowance payable under subsection (2) in respect of every eligible employee shall –

(a) for the month of March 2020, be 12,500 rupees;

(b) for the month of April 2020 –

(i) be 25,000 rupees, where the employee is employed in the Island of Mauritius; or

(ii) be 12,500 rupees, where the employee is employed in the Island of Rodrigues or the Island of Agaléga;

(c) for the month of May 2020, be 25,000 rupees;

(d) for such other period as may be prescribed, be such amount as may be prescribed.

(4) An application for the allowance under subsection (2), in respect of each month, shall be made electronically to the Director-General, which shall be accompanied by the following information –

(a) the number of eligible employees;

(b) the aggregate basic wage or salary of all eligible employees;

(c) the amount of allowance to be paid in respect of all eligible employees;

(d) such other information as he may require.

(5) An application under subsection (4) shall be made –

(a) within a period of 3 months from the end of the month to which it is related; or

(b) within a period of 2 months from the date the COVID-19 period lapses,

whichever is earlier.

(6) The Director-General may make –

(a) a provisional payment of the allowance payable under subsection (2) on the basis of the information provided by the employer in his application under subsection (4) and the return submitted by him under section 17AA of the National Pensions Act for the month of January 2020; and

(b) an additional payment of the allowance payable under subsection (2) on the basis of the information provided by the employer in his application under subsection (4) and the return submitted by the employer under section 17AA of the National Pensions Act for the month of March 2020, April 2020, May 2020 or such other month as may be prescribed.

(7) The Director-General may determine the allowance payable under subsection (2) on the basis of the information provided by the employer in the return submitted, on or before 23 March 2020, under section 17AA of the National Pensions Act for the month of January 2020, where –

(a) an amended return has been submitted after 23 March 2020, under section 17AA of the National Pensions Act for the month of January 2020; or

(b) the return submitted for the months of March 2020, April 2020, May 2020 or such other months as may be prescribed includes an eligible employee who was not included in the return for the month of January 2020 submitted before 23 March 2020 or shows, with respect to an employee, a different basic salary or wage as compared to that in the return for the month of January 2020 submitted on or before 23 March 2020.

(8) (a) Where an employee –

(i) is a citizen of Mauritius;

(ii) is employed in an export manufacturing enterprise;

(iii) is employed on a full-time basis; and

(iv) whose basic salary or wage as declared by his employer in the return submitted under section 17AA of the National Pensions Act does not exceed 9,000 rupees,

the allowance payable under subsection (2) shall be calculated on the basis of the national minimum wage of 9,000 rupees.[777*]

(b) Where an employer is not required to include an employee in the return submitted under section 17AA of the National Pensions Act, the Director-General may pay the allowance payable under subsection (2) on the basis of any other information available to him.

(9) (a) The Director-General may, not later than one year after payment of an allowance is made under this Part, request any information or document from the employer or any employee to ascertain correctness of the information provided under subsection (4).

(b) The employer or any employee to whom a request is made under paragraph (a) shall provide the Director-General with such information and document as he may require.

(10) (a) Subject to paragraph (aa), where an employer has benefited from an allowance –[778*]

(i) for the period starting on 16 March 2020 and ending on 31 March 2020 and, during that period, terminates the employment of an eligible employee, the employer shall not be entitled to any allowance in any subsequent month;

(ii) for the month of April 2020 and, during that month, terminates the employment of an eligible employee, the employer shall not be entitled to any allowance in any subsequent month;

(iii) for the month of May 2020 and, during that month, terminates the employment of an eligible employee, the employer shall not be entitled to any allowance in any subsequent month; or

(iv) in such month as may be prescribed and, during that month, terminates the employment of an eligible employee, the employer shall not be entitled to any allowance in any subsequent month.

(aa)[779]* (i) Paragraph (a) shall, subject to subparagraphs (ii) and (iii), not apply to an SME, with respect to its entitlement to the allowance for the month of March 2021 and any subsequent month.

(ii) Subparagraph (i) shall not apply where an SME carries out an activity specified in Part I of the Twelfth Schedule of the Income Tax Regulations 1996.

(iii) Where an employer being an SME, other than an SME carrying out an activity specified in Part I of the Twelfth Schedule of the Income Tax Regulations 1996, has benefited from an allowance for the period -

(A) starting on 10 March 2021 and ending on 31 March 2021; or

(B) starting on 1 April 2021 and ending on 30 April 2021, or any subsequent period,

and the employer, during such period, terminates the employment of an eligible employee, that employer shall not be entitled to any allowance in any month subsequent to that period.

(b) Where an employer has benefited from an allowance –

(i) for the period starting on 16 March 2020 and ending on 31 March 2020 and, during that period, has failed to pay the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has not been paid to that eligible employee and the

employer shall not be entitled to any allowance in any subsequent month;

(ii) for the month of April 2020 and, during that month, has failed to pay the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has not been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month;

(iii) for the month of May 2020 and, during that month, has failed to pay the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has not been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month;

(iv) in such month as may be prescribed and, during that month, has failed to pay the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has not been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month.

(c) Where an employer has benefited from an allowance –

(i) for the period starting on 16 March 2020 and ending on 31 March 2020 and, during that period, has reduced the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month;

(ii) for the month of April 2020 and, during that month, has reduced the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month;

(iii) for the month of May 2020 and, during that month, has reduced the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month;

(iv) in such month as may be prescribed and, during that month, has reduced the basic wage or salary of an eligible employee, the employer shall be liable to refund the allowance that has been paid to that eligible employee and the employer shall not be entitled to any allowance in any subsequent month.

(11) Where an employer has benefited from an allowance in excess of the amount to which he is entitled under this Part or acts in breach of subsection (10)(a), (b) or (c), the Director-General may, by virtue of the powers conferred upon him under the Mauritius Revenue Authority Act, recover the excess amount or allowance, as the case may be.

(12) Where an employer or his employee or any other person –

(a) makes a false declaration to the Director-General to unduly benefit from an allowance under this Part; or

(b) refuses to give information under subsection (9) or gives false information under this Part,

he 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 2 years.

(13) The secrecy provision under section 154 shall not apply to enable exchange of information with Ministries, Government departments and other Government agencies.

(14) (a) The Minister may, for the purposes of this Part, make such regulations as he thinks fit.

(b) Any regulations made under paragraph (a) may provide for anything connected, consequential or incidental thereto.

## PART XIIC – SELF-EMPLOYED ASSISTANCE SCHEME[780*]

### 150C. Self-Employed Assistance Scheme

(1) In this section –

"passive income" means income derived from rent, dividends, interests and such other income as may be prescribed;

"self-employed" –

(a) means an individual –

(i) who is a citizen of Mauritius and is resident in Mauritius;

(ii) who is above the age of 18;

(iii) who is not employed, as at 1 March 2020, by any employer, whether on a full-time or part-time basis; and

(iv) who has been in business on his own account or is a tradesperson carrying out activities such as mason, cabinet maker, plumber, hairdresser, artist or other similar activities for a period of at least 3 months prior to the start of the COVID-19 period; but

(b) does not include –

(i) an individual who derives exclusively passive income;

(ii) an individual who was not carrying out any income earning activity prior to the start of the COVID-19 period;

(iii) an individual who falls under such category as may be prescribed.

(2) Subject to this Part, the Director-General shall pay to every self-employed –

(a) an allowance of 5,100 rupees for the period 16 March 2020 to 15 April 2020;

(b) an allowance of 2,550 rupees for the period 16 April 2020 to 30 April 2020 where the main business activities of the self-employed are carried out in the Island of Mauritius;

(c) an allowance of 5,100 rupees for the month of May 2020 where the main business activities of the self- employed are carried out in the Island of Mauritius; and

(d) such other amount, for such other period, and to such category of self-employed, as may be prescribed.

(3) No allowance under subsection (2) shall be payable to a self-employed where –

(a) he is eligible to receive social benefits, including basic retirement pension or widows pension, under the National Pensions Act;

(b) he is pursuing higher studies on a full-time basis;

(c) he is a dependent spouse;

(d) his monthly income, when aggregated to that of his spouse, exceeds 50,000 rupees;

(e) he is a registered fisherman;

(ea) in respect of a given month, he has carried out income earning activity and has not paid CSG or the social contribution, as applicable, for any one of the 3 months beginning from July 2021 that immediately precede that given month; or[781]*

(f) he meets such other criteria as may be prescribed.

(3A) The Director-General may refuse to pay the allowance under subsection (2) with respect to a month where the self-employed –[782]*

(a) has carried out income earning activity and has not paid CSG or the social contribution, as applicable, for that month; or

(b) has not submitted a return under section 112 or 112A for the income year ending 30 June immediately preceding that month.

(4) Every self-employed person who is entitled to the allowance under subsection (2) shall make an application electronically to the Director-General, which shall be accompanied by the following information –

(a) his monthly income;

(b) his residential address;

(c) his bank details; and

(d) such other information as the Director-General may require.

(5) An application under subsection (4) shall be made –

(a) within a period of 3 months from the end of the months to which it is related; or

(b) within a period of 2 months from the date the COVID-19 period lapses,

whichever is earlier.

(6) The Director-General shall make payment of the allowance payable under subsection (2) on the basis of the information provided under subsection (4) and any other information available to him.

(7) (a) The Director-General may, not later than one year after payment of an allowance is made under this Part, request any information or document from a person to ascertain the

correctness of the information provided under subsection (4) and the eligibility of the person to the allowance payable under subsection (2).

(b) The person to whom a request is made under paragraph (a) shall provide the Director-General with such information and document as he may require.

(8) Where a person –

(a) who is not entitled to an allowance has benefited from an allowance in breach of subsection (1) or (3); or

(b) has benefited from an allowance in excess of the amount to which he is entitled under this Part,

the Director-General may, by virtue of the powers conferred on him under the Mauritius Revenue Authority Act, recover the excess amount or allowance, as the case may be.

(9) Where a person –

(a) makes a false declaration to the Director-General to unduly benefit from an allowance under this Part; or

(b) refuses to give information under subsection (7) or gives false information under this Part,

he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

(10) The secrecy provision under section 154 shall not apply to enable exchange of information with Ministries, Government departments and other Government agencies.

(11) (a) The Minister may, for the purposes of this Part, make such regulations as he thinks fit.

(b) Any regulations made under paragraph (a) may provide for anything connected, consequential or incidental thereto.

## PART XIID – FINANCIAL ASSISTANCE FOR PAYMENT OF SALARY COMPENSATION 2021, 2022, 2023 AND 2024[783]*

### 15OD. Financial assistance for payment of salary compensation 2021

(1) In this section –

"basic wage or salary" –

(a) has the same meaning as in the Workers' Rights Act 2019; and

(b) includes any payable additional remuneration;

"eligible employee" –

(a) means an employee employed on a full-time basis –

(i) by an SME deriving gross income from business; or

(ii) by such other category of employer as may be prescribed; and

(iii) whose basic wage or salary does not exceed –

(A) 50,235 rupees where the employer is an export enterprise; or

(B) 50,375 rupees in any other case; but

(b) does not include –

(i) an employee employed by a Ministry, a Government department, a local authority, a statutory body or the Rodrigues Regional Assembly;

(ii) an employee who is a non-citizen and is employed by an export enterprise;

(iii) an employee employed by such category of employer as may be prescribed; or

(iv) such category of employees as may be prescribed;

"export enterprise" has the same meaning as in the Export Enterprises (Remuneration) Regulations 2019;

"SME" has the same meaning as in section 150B.

(2)[784*] Subject to this Part, the Director-General shall, in respect of every eligible employee, pay to his employer –

(a) for each month beginning January 2021 and ending December 2021, an allowance equivalent to –

(i) 235 rupees where the employer is an export enterprise; or

(ii) 375 rupees in any other case; and

(b) for each month beginning January 2022 and ending June 2022, an allowance equivalent to 375 rupees.

(3) An application for the allowance under subsection (2) shall be made electronically to the Director-General in such form and manner as he may determine.

(4) No allowance shall be payable under subsection (2) –

(a) with respect to a given month, where the application under subsection (3) is made by an employer more than 3 months from end of that given month;

(b) with respect to a month, where the employer has not paid CSG or the social contribution, as applicable, or has not submitted the return required under the National Pensions Act or the Social Contribution and Social Benefits Act 2021, as applicable, for that month;

(c) with respect to an employee, where, in relation to a month, the employer has not included that employee in the return submitted for that month under the National Pensions Act or the Social Contribution and Social Benefits Act 2021, as applicable;

(d) with respect to a month, where the employer has been paid an allowance under section 150B with respect to that month.

(5) (a) The Director-General may, not later than one year after payment of an allowance is made under this Part, request any information or document from the employer or any employee to ascertain correctness of the information provided under subsection (3), or under the National Pensions Act or the Social Contribution and Social Benefits Act 2021,as applicable.

(b) The employer or any employee to whom a request is made under paragraph (a) shall provide the Director-General with such information and document as he may require.

(6) Where an employer has benefited from an allowance in excess of the amount to which he is entitled under this Part or has acted in breach of subsection (5)(b), the Director-General may recover the excess amount or allowance, as the case may be, in the manner in which he would recover a tax under the Mauritius Revenue Authority Act.

(7) Where an employer or his employee or any other person –

(a) makes a false declaration to the Director-General to unduly benefit from an allowance under this Part; or

(b) refuses to give information under subsection (5) or gives false information under this Part,

he 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 2 years.

**15OE. Financial assistance for payment of salary compensation 2022[785]**

(1) In this section –

"activity in the tourism industry" means an activity specified in Part I of the Twelfth Schedule to the Income Tax Regulations 1996;

"basic wage or salary" –

(a) has the same meaning as in the Workers' Rights Act 2019; and

(b) includes any payable additional remuneration;

"eligible employee" –

(a) means an employee employed on a full-time basis and deriving at least the national minimum wage for the year 2022 –

(i) from an SME deriving gross income from business;

(ii) from an enterprise in the tourism sector; or

(iii) from such other category of employer as may be prescribed; and

(iv) whose basic wage or salary does not exceed –

(A) 50,635 rupees where the employer is an export enterprise; or

(B) 50,775 rupees in any other case; but

(b) does not include –

(i) an employee employed by a Ministry, a Government department, a local authority, a statutory body or the Rodrigues Regional Assembly;

(ii) an employee employed by such category of employer as may be prescribed; or

(iii) such category of employees as may be prescribed;

"export enterprise" has the same meaning as in the Export Enterprises (Remuneration) Regulations 2019;

"SME" has the same meaning as in section 150B.

(2) Subject to this Part, the Director-General shall, in respect of every eligible employee of an employer, pay, in case the employer is –

(a) an SME, other than export enterprise or where the employer is not an SME and carries out an activity in the tourism industry, to the employer an allowance equivalent to –

(i) 500 rupees monthly per eligible employee deriving a basic wage not exceeding 13,500 rupees; and

(ii) 400 rupees monthly per eligible employee deriving a basic wage exceeding 13,500 rupees but not exceeding 50,775 rupees;

(b) an SME and also an export enterprise, to the employer an allowance equivalent to –

(i) 360 rupees monthly per eligible employee deriving a basic wage not exceeding 13,360 rupees; and

(ii) 260 rupees monthly per eligible employee deriving a basic wage exceeding 13,360 rupees but not exceeding 50,635 rupees,

for each month beginning January 2022 and ending June 2022.

(3) An application for an allowance under subsection (2) shall be made electronically to the Director-General in such form and manner as he may determine.

(4) Section 150D(4) to (7) shall apply to this section with such adaptations and modifications as may be necessary to enable the Director-General to pay the allowance.

**15OEA. Financial assistance for payment of salary compensation 2023[786]***

(1) In this section –

"accounting loss" means the loss made by an employer from all his activities and computed in accordance with the International Financial Reporting Standards;

"accounting profit" means the profit derived by an employer from all his activities and computed in accordance with the International Financial Reporting Standards;

"additional remuneration" means the additional remuneration payable to an employee as from 1 January 2023 under the Workers' Rights (Additional Remuneration) (2023) Regulations 2023;

"apparel industry" means the cutting of fabrics and other materials and sewing them together to create apparel products, including outerwear, pants, and tops[787*];

"basic wage or salary" –

(a) has the same meaning as in the Workers' Rights Act 2019; and

(b) includes any payable additional remuneration;

"eligible employee" –

(a) means an employee employed on a full-time basis and deriving at least the national minimum wage for the year 2023 –

(i). from an SME deriving gross income from business;

(ii). from an export enterprise;

(iii). from such other category of employer as may be prescribed; and

(iv). whose basic wage or salary does not exceed –

(A) 51,635 rupees where the employer is an export enterprise; or

(B) 51,775 rupees in any other case; but

(b) does not include –

(i). an employee employed by a Ministry, a Government department, a local authority, a statutory body other than an employee referred to in subsection (4), or the Rodrigues Regional Assembly;

(ii). an employee employed by such category of employer as may be prescribed; or

(iii). such category of employees as may be prescribed;

"export enterprise" has the same meaning as in the Export Enterprises (Remuneration) Regulations 2019;

"SME" means a small or medium enterprise, whose turnover for the year of assessment 2021-2022 did not exceed 100 million rupees.

"textile industry" means the processing of raw materials such as wool and cotton to make yarn, and includes the use of yarn to make and create fabrics[788*].

(2) Subject to this Part, the Director-General shall, for each of the months of year 2023, pay to the employer, in respect of each eligible employee of –

(a) an SME, an allowance equivalent to –

(i). 500 rupees monthly, where the eligible employee derived a basic wage not exceeding 51,775 rupees and the employer declared for the year of assessment 2021-2022 –

(A) an accounting loss; or

(B) an accounting profit and that accounting profit would be reduced by more than 50 per cent if that accounting profit was reduced by the additional remuneration payable to its employees who were in employment as at December 2022; or

(ii). 250 rupees monthly, where the eligible employee derived a basic wage not exceeding 51,775 rupees and the employer declared for the year of assessment 2021-2022 an accounting profit that would be reduced by more than 10 per cent if it was reduced by the additional remuneration payable to its employees who were in employment as at December 2022;

(b) an export enterprise, other than an SME, an allowance equivalent to 300 rupees monthly where the eligible employee derived a basic wage not exceeding 51,635 rupees.

(2A) Subject to this Part, the Director-General shall, for each of the months of April 2024 to June 2024, pay to an employer, in respect of each eligible full-time employee drawing the national minimum wage for that month, an allowance equivalent to 1,000 rupees[789*].

(2B) Subject to this Part, the Director-General shall pay the allowance referred to in subsection (2A) for such other months as may be prescribed during the period from July 2024 to December 2024[790*].

(2C) No allowance shall be paid under subsections (2A) and (2B) unless the employer is an export enterprise operating in the textile or apparel industry[791*].

(3) Where an SME is an export enterprise and an allowance is payable under subsection (2)(a) and (b), the allowance which is more favourable to the employer shall be payable provided the basic wage of the eligible employee does not exceed 51,635 rupees.

(4) The allowance specified in paragraph (2)(a)(i) shall be payable in respect of each eligible employee to a bus operator providing public transport, approved by the Minister.

(5) The Director-General shall, for the month of December 2023, in respect of every eligible employee, pay to his employer, in addition to the

allowance payable under subsection (2), an additional sum equivalent to that allowance.

(6) The Director-General shall, for each month beginning January 2024 and ending June 2024, pay to the employer, the allowance payable under subsection (2) in respect of each eligible employee of –

(a) an SME; and

(b) an export enterprise.

(7) An application for an allowance under subsection (2) shall be made electronically to the Director-General in such form and manner as he may determine.

(8) Section 150D(4)(a) to (c) and section 150D(5) to (7) shall apply to this section with such adaptations and modifications as may be necessary to enable the Director-General to pay the allowance.

**15OEB. Financial assistance for payment of national minimum wage and salary compensation 2024[792]***

(1) In this section –

"accounting loss" means the loss made by an employer from all his activities and computed in accordance with the International Financial Reporting Standards;

"accounting profit" means the profit derived by an employer from all his activities and computed in accordance with the International Financial Reporting Standards;

"additional remuneration" means the additional remuneration payable to an employee as from 1 January 2024 under the Workers' Rights (Additional Remuneration) (2024) Regulations 2024;

"apparel industry" means the cutting of fabrics and other materials and sewing them together to create apparel products, including outerwear, pants, and tops;

"basic wage or salary" –

(a) has the same meaning as in the Workers' Rights Act 2019; and

(b) includes any payable additional remuneration;

"eligible employee" –

(a) means an employee employed on a fulltime basis and deriving at least the national minimum wage for the year 2024 –

(i) from an export enterprise;

(ii) from a manufacturing company whose turnover for the year of

assessment 2022-2023 did not exceed 500 million rupees;

(iii) from a SME deriving gross income from business;

(iv) from a bus operator providing public transport;

(v) from a charitable institution;

(vi) from a religious body;

(vii) from an enterprise, other than an export enterprise, a manufacturing company and a SME, whose turnover for the year of assessment 2022-2023 did not exceed 750 million rupees and operating in the –

(A) Business Process Outsourcing sector;

(B) security or cleaning services sector; or

(C) construction industry;

(viii) from a trade union;

(ix) from a non-government organisation registered with and eligible for grants from the National Social Inclusion Foundation;

(x) from such other category of employer as may be prescribed; and

(xi) whose basic wage or salary does not exceed 50,000 rupees; but

(b) does not include –

(i) an employee employed by a Ministry, a Government department, a local authority, a statutory body or the Rodrigues Regional Assembly;

(ii) an employee employed by such category of employer as may be prescribed; or

(iii) such category of employees as may be prescribed;

"export enterprise" has the same meaning as in the Export Enterprises (Remuneration) Regulations 2019;

"registered religious body" means an entity which has been exempted from payment of surcharge under section 45A(3) of the National Pensions Act;

"SME" means a small or medium enterprise, whose turnover for the year of assessment 2022-2023 did not exceed 100 million rupees;

"textile industry" means the processing of raw materials such as wool and cotton to make yarn, and includes the use of yarn to make and create fabrics;

"trade union" has the same meaning as in the Employment Relations Act.

(2) Subject to this Part, the Director-General shall, for each of the months of year 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 2,000 rupees; and

(b) an allowance equivalent to the additional remuneration payable to the employee,

where the employer is –

(i) an export enterprise;

(ii) a manufacturing company which, for the year of assessment 2022-2023 had a turnover not exceeding 100 million rupees and had for that year of assessment –

(A) an accounting loss; or

(B) an accounting profit that would be reduced by more than 50 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit.

(3) (a) Subject to this Part, the Director-General shall, for each of the months of April 2024 to June 2024, pay to an employer, in respect of each of its eligible employee, an allowance equivalent to 1,500 rupees in addition to the allowance payable under subsection (2)(a).

(b) Subject to this Part, the Director-General shall, in addition to the allowance payable under subsection (2)(a), pay the allowance referred to in paragraph (a) for such other months as may be prescribed during the period from July 2024 to December 2024.

(c) No allowance shall be paid under paragraphs (a) and (b) unless the employer is an export enterprise operating in the textile or apparel industry.

(4) Subject to this Part, the Director-General shall, for each of the months of year 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 1,000 rupees; and

(b) an allowance equivalent to fifty per cent of the additional remuneration payable to the employee,

where the employer is a manufacturing company which, for the year of assessment 2022-2023 –

(i) had a turnover not exceeding 100 million rupees; and

(ii) had for that year of assessment an accounting profit that would be reduced by more than 10 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit.

(5) Subject to this Part, the Director-General shall, for each of the months of year 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 1,000 rupees; and

(b) an allowance equivalent to the additional remuneration payable to the employee,

where the employer is –

(i) a manufacturing company which, for the year of assessment 2022-2023 –

(A) had a turnover not exceeding 500 million rupees; and

(B) had for that year of assessment an accounting profit that would be reduced by more than 50 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit;

(ii) a SME, which had for the year of assessment 2022-2023 –

(A) an accounting loss; or

(B) an accounting profit that would be reduced by more than 50 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit;

(iii) a charitable institution;

(iv) a registered religious body;

(v) a non-government organisation registered with and eligible for grants from the National Social Inclusion Foundation.

(6) Subject to this Part, the Director-General shall, for each of the months of year 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 500 rupees; and

(b) an allowance equivalent to 50 per cent of the additional remuneration payable to the employee,

where the employer is –

(i) a manufacturing company which, for the year of assessment 2022-2023 –

(A) had a turnover not exceeding 500 million rupees; and

(B) had for that year of assessment an accounting profit that would be reduced by more than 10 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit;

(ii) a SME, which had for the year of assessment 2022-2023 an accounting profit that would be reduced by more than 10 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit;

(iii) an enterprise which, for the year of assessment 2022-2023, had a turnover not exceeding 750 million, operating in the Business Process Outsourcing sector and had for that year of assessment –

(A) an accounting loss; or

(B) an accounting profit that would be reduced by more than 50 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit.

(7) Subject to this Part, the Director-General shall, for each of the months of year 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 250 rupees; and

(b) an allowance equivalent to 25 per cent of the additional remuneration payable to the employee,

where the employer –

(i) is an enterprise which, for the year of assessment 2022-2023, had a turnover not exceeding 750 million;

(ii) is operating in the Business Process Outsourcing sector; and

(iii) had for that year of assessment an accounting profit that would be reduced by more than 10 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit.

(8) Subject to this Part, the Director-General shall, for each of the months of January 2024 to June 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 500 rupees; and

(b) an allowance equivalent to 50 per cent of the additional remuneration payable to the employee,

where the employer –

(i) is an enterprise which, for the year of assessment 2022-2023, had a turnover not exceeding 750 million rupees;

(ii) is operating in the –

(A) security or cleaning services sector; or

(B) construction industry; and

(iii) had for that year of assessment –

(A) an accounting loss; or

(B) an accounting profit that would be reduced by more than 50 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit.

(9) Subject to this Part, the Director-General shall, for each of the months of January 2024 to June 2024, pay to an employer, in respect of each of its eligible employee –

(a) an allowance equivalent to 250 rupees; and

(b) an allowance equivalent to 25 per cent of the additional remuneration payable to the employee,

where the employer –

(i) is an enterprise which, for the year of assessment 2022-2023, had a turnover not exceeding 750 million rupees;

(ii) is operating in the –

(A) security or cleaning services sector; or

(B) construction industry; and

(iii) had for that year of assessment an accounting profit that would be reduced by more than 10 per cent if the additional remuneration and increase in National Minimum Wage payable as from January 2024 to its employees who were in employment as at December 2023, were deducted from that accounting profit.

(10) Subject to this Part, the Director-General shall pay the allowance referred to in subsection (8) or (9), as the case may be, for such other months as may be approved during the period from July 2024 to December 2024.

(11) Subject to this Part, the Director-General shall, for each of the months of July 2024 to December 2024, pay to a bus operator, approved by the Minister and providing public transport, in respect of each of its eligible employee, an allowance equivalent to the additional remuneration payable to the employee.

(12) (a) Subject to this Part, the Director-General shall, for the month of December 2024, in respect of every eligible employee, pay to his employer, in addition to the allowance payable under subsections (2) to (11), an additional sum equivalent to that allowance.

(b) Where the eligible employee started employment with the employer after January 2024, the allowance payable under paragraph (a) shall be calculated proportionately as follows –

(A/B) x C

where –

A = the number of months the eligible employee was employed by the employer in the year 2024;

B = 12; and

C = the allowance payable under subsections (2) to (11) for the month of December 2024.

(13) No allowance shall be payable under –

(a) subsections (2)(a), (3)(a), (4)(a), (5)(a), (6)(a), (7)(a), (8)(a) and (9)(a); and

(b) subsection (10) in so far as it relates to subsections (8)(a) and (9)(a),

with respect to a month unless the eligible employee derives the National Minimum Wage for that month.

(14) No allowance shall be payable under subsection (5) in respect of an eligible employee where –

(a) the employee is employed by a nongovernment organisation registered with the National Social Inclusion Foundation; and

(b) the salary of the employee is funded by the Ministry of Social Integration, Social Security and National Solidarity or the National Social Inclusion Foundation.

(15) Where an eligible employee drawing the National Minimum Wage in a month is paid a basic salary which is lower than the National Minimum Wage for that month on grounds of –

(a) leave without pay; or

(b) the eligible employee taking up employment after the beginning of that month; or

(c) the eligible employee leaving his employment before the end of that month,

the allowance payable under subsections (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) shall be calculated on a proportionate basis, as follows –

(A/B) x C

where –

A = basic salary paid for the month

B = national minimum wage

C = the allowance payable under subsections (2) to (11).

(16) Where an employer is eligible to an allowance under more than one subsection, the employer shall be paid the allowance which is more favourable to him.

(17) An application for the allowance payable under subsections (2) to (9) and (11) shall be made electronically to the Director-General in such form and manner as he may determine.

(18) Section 150D(4)(a) to (c) and section 150D(5) to (7) shall apply to this section with such adaptations and modifications as may be necessary to enable the Director-General to pay the allowance.

## PART XIIE – *PRIME A L'EMPLOI* SCHEME[793]*

### 15OF. *Prime à l'Emploi* Scheme[794]*

(1) In this section –

"basic wage or salary" –

(a) has the same meaning as in the Social Contribution and Social Benefits Act 2021; and

(b) includes any payable additional remuneration;

*"COVID-19 Solidarity Fund"; definition deleted*[795]*

"eligible employee" –

(a) means a person employed on a full-time basis by an eligible employer and –

(i) the person is a citizen of Mauritius and is resident in Mauritius;

(ii) on the date the person takes up employment with an eligible employer, is above 18 years of age and –

(A) is not above 35 years of age, in the case of a male; or

(B) is not above 50 years of age, in the case of a female; and

(iii) the person was not employed for a period of at least 6 months prior to the date on which the person takes employment with an eligible employer;

(iv) whose basic wage or salary does not exceed 50,000 rupees in a month; but

(b) does not include a person undergoing training or a household employee;

"eligible employer" –

(a) means an employer established in Mauritius and includes –

(i) a company;

(ii) a *société*;

(iii) an association;

(iv) a trust;

(v) a foundation;

(vi) a co-operative;

(vii) a charitable institution approved by the Director-General or registered under the Registration of Associations Act, charitable trust or charitable foundation;

(viii) a religious body;

(ix) an individual who is an employer; but

(b) does not include –

(i) a Ministry, a Government department, a local authority, a statutory body or the Rodrigues Regional Assembly;

(ii) a public enterprise;

(iii) a person employing only household employees;

(iv) such category of employer as may be prescribed;

"person with disabilities" means a person registered as such under the Training and Employment of Disabled Persons Act [796]*;

"public enterprise" means an institution which is either Government-owned or Government-controlled, and which is entirely or majority-owned or otherwise controlled by the Government or by any other public institution;

"qualifying employee" [797]* –

(a) means a female person or a person with disabilities who –

(i) is a citizen of Mauritius and is resident in Mauritius;

(ii) is employed on a full-time basis by an eligible employer;

(iia) is employed on a part-time basis by an eligible employer and works for a minimum of 20 hours in a week[798]*;

(iii) subject to subparagraph (iiia), is above the age of 18 years on the date of being employed by the eligible employer[799]*;

(iiia) is, during the period from 17 November 2023 to 30 June 2024 under the age of 62 years on the date of being employed by the eligible employer[800]*;

(iv) was not employed for a period of at least 3 months prior to the date of being employed by the eligible employer[801]*; and

(v) whose basic wage or salary does not exceed 50,000 rupees in a month; but

(b) does not include a person undergoing training or a household employee;

"scheme" means the *Prime à l'Emploi* Scheme;

"Solidarity Fund" means the Solidarity Fund established under the Finance and Audit (Solidarity Fund) Regulations 2020[802]*.

(2) (a) Every eligible employer shall, in respect of every eligible employee taking employment during the period starting on 1 July 2022 and ending on 30 June 2023, apply to the Director-General, within 15 days from the date the eligible employee takes up employment, for approval of the employee as an eligible employee, giving details of the employee and such other particulars as the Director-General may require.

(aa) Every eligible employer shall, in respect of every qualifying employee taking employment during the period starting on 1 July 2023 and ending on 30 June 2025, apply to the Director-General, within 15 days from the date the qualifying employee takes up employment, for approval of the employee as a qualifying employee, giving details of the employee and such other particulars as the Director-General may require [803]*.

(ab) Where an eligible employer terminates the employment of any employee, he shall be required to wait at least 3 months prior to making an application under the scheme[804]*.

(b) The Director-General shall approve or reject an application made under paragraphs (a) and (aa) after verifications on the basis of information available to him[805]*.

(c) The Director-General shall approve only the first 10,000 employees who are eligible employees and in respect of whom an application has been made under paragraph (a).

(3) (a) An eligible employer shall, for every month in respect of which an allowance is payable to an approved eligible employee or qualifying employee, make an application electronically to the Director-General, in such form and manner as he may determine, giving details of each approved eligible employee or qualifying employee and such other particulars as may be required by him for the payment of the allowance [806]*.

(b) No allowance shall be payable in respect of a month where the application under paragraph (a) is made by an employer 3 months after the end of that month.

(c) An employer shall, in an application made under paragraph (a), undertake to safeguard the employment of an approved eligible employee or qualifying employee for a period of at least 3 years[807]*.

(d) The Director-General shall, within 10 working days from the end of the month in which the applications are received –

(i) compile a list of applications received;

(ii) verify the applications based on available information at the Authority; and

(iii) transmit qualifying applications and amount of funds required to effect payment under the Scheme to the Solidarity Fund[808]*.

(4) (a) Subject to this Part, the Director-General shall, in respect of every approved eligible employee, pay to his employer an allowance equivalent to the basic wage or salary of that employee for that month, not exceeding 15,000 rupees, in the month he is employed and in the next 11 consecutive months immediately following the month of employment.

(aa) Subject to this Part, the Director-General shall, in respect of every approved qualifying employee who is employed on a full-time basis, pay to his employer an allowance equivalent to the basic wage or salary of that employee for that month, not exceeding 15,000 rupees, in the month he is employed and in the next 23 consecutive months immediately following the month of employment [809]*.

(ab) Subject to this Part, the Director-General shall, in respect of every approved qualifying employee who is employed on a part-time basis, pay to his employer an allowance equivalent to the basic wage or salary of that employee for that month, not exceeding 7,500 rupees, in the month he is employed and in the next 23 consecutive months immediately following the month of employment[810]*.

(b) For the purpose of paragraphs (a) and (aa), an employee's basic wage or salary for a month shall be the basic wage or salary as declared by the employer in the monthly return submitted by him under section 7 of the Social Contribution and Social Benefits Act 2021 for that month [811]*.

(c) The Director-General may refuse to pay the allowance under this Part where an employer is not compliant, in respect, of an eligible employee or qualifying employee, with his obligations under the Social Contribution and Social Benefits Act 2021, the National Savings Fund Act, the Human Resource Development Act and Part VIII of the Workers' Rights Act 2019[812]*.

(5) The Director-General shall –

(a) in respect of every approved eligible employee taking employment during the period starting on 1 July 2022 and ending on 31 December 2022 with an eligible employer, pay, in addition to the allowance payable under subsection (4) –

(i) an additional sum for the month of December 2022 which is equivalent to one twelfth of the allowance payable to the eligible employee under subsection (4) for the period starting on 1 July 2022 and ending on 31 December 2022; and

(ii) an additional sum for the month of December 2023 which is equivalent to one twelfth of the allowance payable to the eligible employee under subsection (4) for the period starting on 1 January 2023 and ending on 31 December 2023;

(aa) in respect of every approved qualifying employee taking employment during the period starting on 1 July 2023 and ending on 31 December 2023 with an eligible employer, pay, in addition to the allowance payable under subsection (4)[813]* –

(i) an additional sum for the month of December 2023 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 July 2023 and ending on 31 December 2023;

(ii) an additional sum for the month of December 2024 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2024 and ending on 31 December 2024; and

(iii) an additional sum for the month of December 2025 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2025 and ending on 31 December 2025;

(ab) in respect of every approved qualifying employee taking employment during the period starting on 1 July 2024 and ending on 31 December 2024 with an eligible employer, pay, in addition to the allowance payable under subsection (4)[814]* –

(i) an additional sum for the month of December 2024 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 July 2024 and ending on 31 December 2024;

(ii) an additional sum for the month of December 2025 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2025 and ending on 31 December 2025; and

(iii) an additional sum for the month of December 2026 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2026 and ending on 31 December 2026.

(b) in respect of every eligible employee taking employment after 31 December 2022, in addition to the allowance payable under subsection (4), pay an additional sum for the month of December 2023 which is equivalent to one twelfth of the allowance payable to the eligible employee under subsection (4) for the period starting on 1 January 2023 and ending on 31 December 2023;[815]*

(c) in respect of every qualifying employee taking employment after 31 December 2023, in addition to the allowance payable under subsection (4), pay[816]* –

(i). an additional sum for the month of December 2024 which is equivalent to one twelfth of the allowance payable to the qualifying

employee under subsection (4) for the period starting on 1 January 2024 and ending on 31 December 2024;

(ii). an additional sum for the month of December 2025 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2025 and ending on 31 December 2025; and

(iii). an additional sum for the month of December 2026 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2026 and ending on 31 December 2026; and

(d) in respect of every qualifying employee taking employment after 31 December 2024, in addition to the allowance payable under subsection (4), pay[817]* –

(i) an additional sum for the month of December 2025 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2025 and ending on 31 December 2025;

(ii) an additional sum for the month of December 2026 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2026 and ending on 31 December 2026; and

(iii) an additional sum for the month of December 2027 which is equivalent to one twelfth of the allowance payable to the qualifying employee under subsection (4) for the period starting on 1 January 2027 and ending on 31 December 2027.

(6) Where an employer has benefited from an allowance under this Part with respect to a month and with respect to an eligible employee or qualifying employee and fails to pay the basic wage or salary of that employee for that month, the employer shall not be entitled to any allowance under this Part for any subsequent month and shall be liable to refund the allowance for that month to the Director-General [818]*.

(7) Where an employer has benefited from an allowance in excess of the amount to which he is entitled under this Part or has provided false, incorrect, incomplete or inaccurate information to the Director-General, the latter may recover the excess amount or allowance, as the case may be, in the same manner as income tax is recoverable under Part IVC of the Mauritius Revenue Authority Act.

(8) Where the Director-General determines that an employee in respect of whom an allowance has been paid under this Part has not worked for the employer to whom the allowance has been paid, the employer shall be liable to refund the total allowance that has been paid under this Part in respect of that employee.

(9) (a) The Director-General may, not later than 4 years after payment of an allowance is made under this Part, request any information or document

from the employer or any employee to ascertain correctness of the information provided under this Part, the National Pensions Act or the Social Contribution and Social Benefits Act 2021, as applicable.

(b) The employer or any employee to whom a request is made under paragraph (a) shall provide the Director-General with such information and document as he may require.

(10) (a) Where an employer or his employee or any other person –

(i) makes a false declaration to the Director-General to unduly benefit from an allowance under this Part; or

(ii) refuses to give information under subsection (9) or gives false information under this Part,

he 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 2 years.

(b) Where an employee, in respect of whom an allowance has been paid under this Part has not worked for the employer, he 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 2 years.

(11) (a) Any payment made under the Scheme shall be financed by the Solidarity Fund[819]*.

(b) The Director-General shall, on receipt of funds from the Solidarity Fund, effect payment in respect of eligible employees or qualifying employees by bank transfer [820]*.

(12) Where the employer terminates the employment of an eligible employee or a qualifying employee before the end of the period of 3 years, he shall be liable to refund the total allowance that has been paid to him, under this Part, in respect of that eligible employee or qualifying employee [821]*.

(13) The Minister may make such regulations as he thinks fit for the purpose of this Part.

## PART XIIF – HOUSING LOAN RELIEF SCHEME[822]*

### 150G. Housing Loan Relief Scheme

(1) In this section –

"secured housing loan" means a housing loan secured by mortgage or fixed charge on immovable property and used exclusively for the purchase, construction or extension of a house.

(2) Subject to this Part, the Director-General shall, with respect to a month, pay an allowance of 1,000 rupees to an individual who has contracted in his own name or jointly with –

(a) his spouse;

(b) an ascendant;

(c) a descendant or the descendant's spouse; or

(d) his brother or sister,

a secured housing loan not exceeding 5 million rupees.

(3) The allowance shall be payable to an eligible individual for the months of July 2023 to June 2025[823*].

(4) Where a person has contracted a loan jointly with other persons, the amount payable under subsection (2) shall –

(a) be paid to only one of the persons who have contracted the loan; and

(b) not exceed 1,000 rupees in a month.

(5) Where a person has contracted several loans, the amount payable to that person under subsection (2), shall not exceed 1,000 rupees in a month.

(6) Subject to subsection (7), no allowance shall be payable to an individual under subsection (2) unless the individual –

(a) is a citizen of Mauritius;

(b) has contracted a secured housing loan from –

(i) a bank or a non-bank deposit taking institution under the Banking Act;

(ii) an insurance company under the Insurance Act;

(iii) the Sugar Industry Pension Fund;

(iv) the Development Bank of Mauritius; or

(v) the Statutory Bodies Family Protection Fund;

(c) has, in Mauritius, purchased, constructed or extended the house for which the secured housing loan has been contracted; and

(d) has effected a repayment exceeding 1,000 rupees in respect of the secured housing loan in the month preceding the month in which the relief is payable.

(7) For the purpose of subsection (6)(d), where –

(a) a loan has been contracted jointly, the amount of repayment made in respect of that loan in a month shall, in aggregate, exceed 1,000 rupees; or

(b) a person has taken several loans, the amount of repayment made in respect of those loans shall, in aggregate, exceed 1,000 rupees.

(8) The Director-General shall credit into a bank account in the name of an eligible individual any allowance payable under this Part.

(9) For the purpose of this Part, every eligible individual shall make an application under the Scheme and submit to the Director-General, details of his bank account in such form and manner as the Director-General may determine.

(10) Where a secured housing loan has been contracted jointly with another person, the application shall specify the bank account in which the payment shall be made.

(11) When an application is made by an individual under the Scheme, the Director-General may pay the allowance for 12 consecutive months immediately prior to the month in which the application is made, provided that the allowance is not paid for any month prior to the month of July 2023[824]*.

(12) No application shall be entertained under the Scheme after 31 December 2025[825]*.

(13) Notwithstanding the Banking Act, the Data Protection Act, the Information and Communication Technologies Act and any other enactment, every institution referred to in subsection (6)(b) shall furnish electronically to the Director-General, on or before the fifteenth day in every month, a statement of financial transactions of every individual having effected a repayment exceeding 1,000 rupees, in the preceding month, in respect of a secured housing loan not exceeding 5 million rupees in such form and manner as he may determine, giving the following information –

(a) the full name of the borrower;

(b) the amount of loan contracted and disbursed;

(c) the amount of loan repaid in the previous month; and

(d) such other particulars as may be required by the Director-General.

(14) Section 150D(6) and (7) shall apply to this section with such adaptations and modifications as may be necessary to enable the Director-General to pay the allowance.

(15) For the purpose of this Part, the Minister may make such regulations as he thinks fit.

(16) Regulations made under subsection (15) may, on such terms and conditions as the Minister may determine –

(a) vary the eligibility criteria and conditions for loans and eligible individuals under the Scheme;

(b) change the mode and timing of the payment of the allowance;

(c) change the time limits regarding applications under the Scheme.

# PART XIII – MISCELLANEOUS

## 151. Ascertainment of income tax in certain cases

(1) Where, for any of the purposes of this Act, including the application of the provisions of any double taxation arrangement, it is necessary to ascertain the amount of income tax payable by a taxpayer in respect of any income of a particular nature or from a particular source derived by him in an income year, the amount of income tax shall be the product of the formula set out in subsection (2).

(2) The formula referred to in subsection (1) shall be -

$$\frac{a}{b} \times c$$

where a is the amount in respect of which it is necessary to ascertain the amount of tax;

b is the amount of the income that was taken into account in calculating c;

c is the amount of income tax payable by the taxpayer before allowing any credit for foreign income tax in respect of income derived by him in that income year.

(2) Any reference to "income" in subsection (2) shall be construed as a reference to income reduced by any deduction, allowance or relief that may properly be regarded as referring to that income, in particular,

(a) income derived by way of emoluments reduced by emoluments relief;

(b) income derived from any business including agricultural activities, reduced by –

(i) the amount of interest paid on capital employed in the course of those activities; and

(ii) allowances allowed for assets used for the purposes of those activities.

## 151A. Islamic financing arrangement [826]*

(1) The provisions of sections 7, 10, 19, 27A, 58, 84, 111A, 111B, 111C, 111K and 123 of this Act shall apply in relation to any Islamic financing arrangement as if a reference in any of those provisions to interest payable, paid, derived, received or incurred in relation to any loan, deposit or mortgage were a reference to the effective return of the Islamic financing arrangement.

(2) For the purposes of this section –

(a) "**Islamic financing arrangement**" means a financing arrangement between –

(i) a bank and any other person, in so far as the arrangement is related to its Islamic banking business; or

(ii) a non-bank deposit taking institution and any other person with respect to the acceptance of Islamic deposit and the financing of the activities of the non-bank deposit taking institution or such other activities as may be approved by the central bank, the aims and operations of which are, in addition to the conventional good governance and risk management rules, in consonance with the ethos and value system of Islam;

(b) "**bank**", "**Islamic banking business**", "**non-bank deposit taking institution**" and "**Islamic deposit**" have the same meaning as in the Banking Act 2004;

(c) "**effective return**" means the return in lieu of interest that is payable, paid, derived, received or incurred under an Islamic financing arrangement.

**152. Refund of excess income tax**

(1)[827]* (a) Subject to this section, where, in respect of an income year, a person has paid tax of an amount in excess of the income tax liability on his chargeable income or gross income, he may claim a refund of the tax paid in excess provided he has submitted a return under section 111V, 112, 116 or 119 [828]*.

(b) Where a person makes a claim under paragraph (a) and he has not submitted a return of income under section 111V, 112, 116 or 119, he shall submit the return together with his claim [829]*.

(2) (a) Subject to paragraph (b), a refund under subsection (1) shall be made within a period of 60 days of the due date for the submission of the return or the date of receipt of the claim, whichever is the later.[830]*

(b) Where the Director-General requests a person to submit any document or information in respect of a claim for refund of excess income tax under this section, the time limit for the refund shall run from the date of receipt of all such documents and information requested.

(2A) Where the refund is made after the period specified in subsection (2)(a) or (b), as the case may be, the refund shall carry interest, free of income tax, at the prevailing Key rate determined by the Bank of Mauritius.[831]*

(3) Any person may make a claim to the Director-General for a refund of tax paid in excess within 3 years of assessment after the end of the year of assessment in respect of which the tax was overpaid.[832*]

(4) Where a claim is made under subsection (3) and the Director-General is satisfied that the claimant is entitled to the refund, he shall refund the amount of tax so paid in excess.

(4A) Where a person has claimed a refund of tax in excess of the refund he ought to have claimed, he shall be liable to a penalty of up to 25 per cent on the amount of the excess refund claimed.[833*]

(4B) Any penalty charged under subsection (4A) shall be offset against the amount of refund, where applicable.

(5) No refund under this section shall be made where the amount claimed does not exceed 25 rupees.

## 152A. Erroneous refund [834*]

(1) Where any person has benefited through error from a refund, he shall be liable to pay to the Director-General the amount of income tax which has been erroneously refunded.

(2) The Director-General may, by written notice, order the person under subsection (1) to pay, within 28 days of the date of the notice, the tax which has been erroneously refunded.

(3) Where the person fails to pay the tax within the due date specified in the notice under subsection (2), he shall be liable to pay, in addition to the tax, interest at the rate of 0.5 per cent per month as from the date immediately following the due date until the date of payment.[835*]

## 153. Keeping of books and records

(1)[836*] Subject to subsection (4), every person carrying on business or deriving income other than emoluments shall keep, whether on computer or otherwise, in the English or French language, proper books, registers, accounts, records such as receipts, invoices and vouchers, other documents such as contracts and agreements, and a full and true record of all transactions and other acts engaged in by him that are relevant for the purpose of enabling his gross income and allowable deductions to be readily ascertainable by the Director-General and for any other purposes of this Act.

(2) Every employer shall keep -

(a) records showing emoluments paid to each employee and tax withheld from those emoluments; and

(b) the Employee Declaration Forms furnished by his employees.

(3) Every book, record or document required to be kept under this section shall be kept for a period of at least 5 years after the completion of the transaction, act or operation to which it relates.

(4) Every person carrying on business or deriving income other than emoluments shall keep at all times such books and records on its business premises as may be prescribed.[837]*

**154. Secrecy**

(1) Subject to subsection (4) and section 76, every officer shall -

(a) before he begins to perform his duties under this Act, take an oath of fidelity and secrecy in conformity with this section;

(b) maintain and aid in maintaining the confidentiality and secrecy of any matter relating to this Act which comes to his knowledge.

(2)[838]*Except for the purposes of -

(a) this Act;

(b) any other revenue law;

(c) the National Pensions (Registration of Employers) Regulations 1977;

(d) the Statistics Act;

(e) exchanging information as specified in section 13(2)(ab), (ac) or (ad) of the Mauritius Revenue Act;[839]*

(f) the Financial Crimes Commission Act 2023[840]* ;

(g) the Dangerous Drugs Act; or

(h) the Financial Intelligence and Anti-Money Laundering Act,[841]*

or where he is authorised in writing to do so by the Minister, no officer shall communicate to any person any matter relating to this Act.

(2A) Notwithstanding subsection (2)(d), no officer shall, for the purposes of the Statistics Act, disclose the name of an individual.[842]*

(3) Except where it is necessary to do so for the purpose of administering this Act or any other revenue law or the National Pensions (Registration of Employers) Regulations 1977 or in any proceedings instituted under the Financial Crimes Commission Act 2023[843]*, no officer shall be required to produce in any court any document or to

divulge or communicate to any court any matter coming to his knowledge in the performance of his duties as an officer.

(4) Nothing in this section shall prevent the disclosure to a taxpayer or, with his written consent, to any other person of -

(a) a document submitted to the Director-General by the taxpayer;

(b) an assessment made upon the taxpayer; or

(c) the amount of income tax paid or due by the taxpayer.

(4A) Notwithstanding subsections (1) to (4), any officer may exchange information in respect of all the taxes falling under the purview of the Multilateral Convention on Mutual Administrative Assistance in Tax Matters signed by Mauritius.[844*]

(5) Any officer who, without lawful excuse, contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 2 years.

**155. Service of documents**

(1) Any return, Statement of Income, payment or other document required or authorised to be served on or given or made to the Director-General shall be forwarded so as to reach the office of the Director-General not later than the due date.[845*]

(2)[846*] Repealed.

(3) Any notice of assessment, determination or other notice required to be served on or given to any person by the Director-General may be served or given by -

(a) delivering it personally to him;

(b) leaving it at or sending it to his usual or last known business or private address; or

(c) transmitting it electronically or through any other mechanical or electronic device.[847*]

(4) Where a person -

(a) refuses to accept delivery of a letter addressed to him; or

(b) fails to take delivery of such a letter which he has been informed awaits him at a post office,

the document shall be deemed to have been served on him on the date on which he refused to accept the letter or was informed that the letter was at the post office.

**155A. Admissibility of documents produced by computer [848]***

(1) In any legal proceedings under this Act or any regulations made thereunder, a statement contained in a document generated by a computer shall be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible if it is shown that the prescribed conditions have been satisfied.

(2) Any person giving any information under this section which is false or misleading in any material particular shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.

**156. Validity of notice of assessment or determination**

The validity of a notice of assessment or a determination made under this Act shall not be affected by reason of an error or mistake or omission as to -

(a) the name or address of the person;

(b) the date or period;

(c) the description of any income; or

(d) the amount of income tax assessed,

if the person intended to be assessed or affected is sufficiently designated and the error or mistake or omission is not likely to deceive or mislead that person.

**157. Waiver of tax [849]***

(1) The Minister may, in the public interest, waive the whole or part of any income tax payable by an insurer and any of its related companies, including any amount withheld under section 93 or any amount deducted under section 111C but not remitted to the Director-General, where a special administrator has, pursuant to section 110A of the Insurance Act, been appointed to the whole or part of the business activities of the insurer and any of its related activities.

(2) In this section –

"insurer" has the same meaning as in the Insurance Act.

**158. Remission of tax**

The Minister may remit or order the refund of the whole or part of any income tax other than the tax payable under section 149.

## 159. Rulings

(1) Any person who derives or may derive any income may apply to the Director-General for a ruling as to the application of this Act to that income.

(2) An application under this section shall be in writing and shall -

(a) include full details of the transaction relating to the income together with all documents relevant to the transaction;

(b) specify precisely the question as to which the ruling is required;

(c) give a full statement setting out the opinion of that person as to the application of this Act to that income; and

(d) be accompanied by such fee as may be prescribed.

(3) The Director-General shall, subject to subsection (3B), within 30 days of the receipt of an application under this section, give a ruling on the question to the applicant.[850*]

(3A)[851*] Where an application is received under subsection (1), the Director-General may, within 30 days of the receipt of the application, request the applicant to furnish such additional documents and information as he may require for giving the ruling.

(3B)[852] Where the Director-General requests an applicant to submit any document or information under subsection (3A), the time limit for the ruling referred to in subsection (3) shall run as from the date all documents and information have been submitted.

(3C) Where the application is in respect of an issue which is the subject of an objection, representations before the Assessment Review Committee or an appeal before the Supreme Court or Judicial Committee of the Privy Council the Director-General shall not give a ruling on that issue.[853*]

(4) Subject to subsection (5), a ruling under this section shall be binding upon the Director-General.

(5) Where there is any material difference between the facts relating to the transaction and the details contained in the application, the ruling shall not be binding upon the Director-General.

(6) A ruling under this section shall be published by the Director-General in such manner as he thinks fit except that the identity of the person to whom it relates shall not be indicated.

(7) Subject to subsection (8), any person may rely upon a ruling published under subsection (6) as a statement binding on the

Director-General as to the application of this Act to the facts set out in that ruling.

(8) The Director-General may, by publication in the *Gazette*, notify that a ruling which has been published shall cease to be binding with effect from a date which shall not be earlier than the date of the notice.

**159A.[854]* Statement of Practice**

The Director-General shall, from time to time, issue and publish Statements of Practice in relation to the application of specific provisions of this Act.

**160. Jurisdiction of Magistrate**

(1)[855]* Notwithstanding -

(a) section 114(2) of the Courts Act; and

(b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a Magistrate shall subject to subsection (2)[856]* have jurisdiction to try an offence under this Act or any regulations made under this Act and may impose any penalty provided by this Act.

(2)[857]*The prosecution of an offence under any of the sections of the enactments specified in the Fourth Schedule to the Mauritius Revenue Authority Act 2004 shall take place, at the discretion of the Director of Public Prosecutions, before a Judge sitting without a jury, the Intermediate Court or a District Court.

**161. Regulations**

(1) The Minister may -

(a) make such regulations as he thinks fit for the purposes of this Act;

(b) by regulations, amend the Schedules, other than the First Schedule[858]*, the Fifth Schedule and the Seventh Schedule.

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

**161A. Transitional provisions [859]***

(1) ***[Taxation of qualified corporations]*** **Deleted [860]***

(2) ***[Tax credits for companies]*** **Repealed [861]***

(2A)[862]*Notwithstanding the repeal of sections 69 and 72, the provisions of those sections shall continue to apply to any company which has

subscribed, on or before 30 June 2006, to the share capital issued by a company which is listed on the Stock Exchange or an equity fund or an authorised mutual fund.

(2B) (a) Notwithstanding the repeal of section 69A but subject to paragraph (b), the provisions of that section shall continue to apply to a company which has subscribed, on or before 30 June 2008, to the share capital of a company set up for the purpose of operating a spinning factory for an amount exceeding 60 million rupees or at least 20 per cent of the stated capital, whichever is the higher.

(b) The provisions of the repealed section 69A shall also apply to a company that has subscribed, on or before 30 June 2008, to the stated capital of a company engaged in weaving, dyeing and knitting of fabrics for an amount exceeding 10 million rupees or at least 20 per cent of the stated capital, whichever is the higher.

(2C) Notwithstanding the repeal of sections 70 and 72, the provisions of those sections shall continue to apply to a company holding an investment certificate in respect of a modernisation and expansion enterprise, issued under the Economic Development Board Act 2017 and in force as at 30 September 2006 which has incurred capital expenditure on or before 30 June 2006 of not less than 10 million rupees within 2 years from the date of the issue of the certificate, on the acquisition of new plant and equipment or technology for modernisation and expansion.[863]*

(2D) Repealed [864]*

(3) ***[ Investment tax credits for individuals ]*** **Repealed** [865]*

(4) ***[ Savings ]*** **Repealed** [866]*

(5) **[*Interest Relief ] Repealed*** [867]*

(6) **Repealed** [868]*

(6A) **Repealed** [869]*

**Exempt income**

(7) **Repealed** [870]*

(7A)[871]*Notwithstanding the repeal of item 33 of Part I of the Second Schedule, the income of a company set up for the purpose of operating a spinning, weaving, dyeing or knitting of fabrics factory and –

(a) having started operations before 30 June 2006, shall be exempt from income tax for a period of 10 income years as from the income year it started operations; or

(b) starting operations during the period from 1 July 2006 to 30 June 2008, shall be exempt from income tax for all income years up to and including income year ending 30 June 2016.

(7B) Notwithstanding the repeal of item 22 of Part IV of the Second Schedule, the exemption provided under that item shall continue to be granted to a company holding an investment certificate issued under the Investment Promotion (Regional Headquarters Scheme) Regulations 2001 and in force as at 30 September 2006.

(7C) Notwithstanding the repeal of item 29 of Part I of the Second Schedule, the exemption provided under that item shall continue to be granted to a company holding an investment certificate issued under the Investment Promotion (ICT Scheme) Regulations 2002 and in force as at 30 September 2006, subject to the following paragraphs -

(a) where during the period of exemption referred to in paragraph (a) of the repealed item, a company provides services to residents, the net income derived therefrom shall be subject to income tax at the rate specified in Part I of the First Schedule to the Act; **872***

(b) where on or after 1 July 2008 a company holding an investment certificate issued on or before 30 June 2005 does not satisfy the requirements of regulation 5 of the Investment Promotion (ICT Scheme) Regulations 2002, the net income of the company shall, notwithstanding paragraph (a) of the repealed item, be subject to income tax at the rate specified in Part I of the First Schedule to the Act;**873***

(c) a company holding an investment certificate issued prior to 30 September 2006 in respect of business process outsourcing/back office operations, call centres or contact centres may, within 60 days of the date of the investment certificate, by irrevocable notice in writing to the Director General, elect to have two-thirds of its net income exempted;

(d) where a company has made an election in accordance with paragraph (c), two-thirds of its net income shall be exempted from income tax up to the income year ending 30 June 2012;

(e) paragraph (a) shall not apply to the net income derived up to 30 June 2008 by a company holding an investment certificate issued on or before 30 June 2005.

(7D) Notwithstanding the other provisions of this Act, any loss incurred by a company referred to in subsections (7A), (7B) and (7C) during the period of exemption of its net income shall be available for carry forward under section 59.

(7E) Notwithstanding this Act, any payment made after 30 June 2006, by way of severance allowance, retiring allowance or commutation of pension, to a person entitled to such payment on or before 30 June

2006 shall be exempt as provided under item 4, 5, or 6 of Part II of the repealed Second Schedule.

(8) Where an employer has not, as at 20 January 2023, paid the full amount of COVID-19 levy payable under section 111Z, the unpaid amount including any outstanding penalty and interest, shall be written off. [874]*

(9) ***[ Investment relief ]*** **Repealed** [875]*

**Investment Allowance**

(10)[876]*Notwithstanding the repeal of section 64A, the provisions of that section shall continue to apply to -

(a) a manufacturing company that has incurred capital expenditure on the acquisition of state-of-the-art technological equipment; or

(b) an ICT company that incurs up to 30 June 2008 capital expenditure on the acquisition of new plant and machinery or computer software.

***[ Tax rate of duty free shops licensed on or before 30 September 2006 ] - Repealed*** [877]*

(11) Repealed

**50% Personal Income tax exemption on emoluments of an expatriate or specified Mauritian citizen**

(12) Repealed [878]*

**Companies operating in the freeport zone**

(13) Notwithstanding the repeal of section 49 -[879]*

(a) Repealed;[880]*

(b) Repealed;[881]*

(c) where a private freeport developer referred to in paragraph (b) is licensed prior to 1 June 2002 and is authorised to provide goods and services to a person outside the freeport zone -

(i) 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 Part I of the First Schedule; but [882]*

(ii) it shall be exempt from income tax payable for all income years up to and including income year ending 31

December 2013 in respect of income other than its income referred to in subparagraph (i) and thereafter be subject to tax at the rate specified in Part I of the First Schedule;

(d) **Repealed**[883]*

(e) **Repealed**[884]*

(f) **Repealed**[885]*

(g) the chargeable income under paragraphs (b), and (c) shall be computed in the manner prescribed under regulation 16 of the Income Tax Regulations 1996;[886]*

(h) in this subsection, "private freeport developer" means a company licensed as such under the Freeport Act 2004."[887]*

(i) any income derived by a private freeport developer or freeport operator from paper trading activities shall be exempt from income tax payable for all income years commencing on 1 July 2003 and ending on 30 June 2011.[888]*

(13A) Notwithstanding the repeal of section 49, the provisions of that section shall continue to apply until 30 June 2021 to any company issued with a freeport certificate on or before 14 June 2018, except that the rate of tax shall be as specified in Part IV of the First Schedule.[889]*

**Annual and Investment Allowance**

(14) Notwithstanding section 63 and the repeal of section 64 but subject to the other provisions of this subsection -

(a) a company whose application has been approved under the Economic Development Board Act 2017, or whose proposed activity has been approved under any other enactment may opt by irrevocable notice in writing to the Director-General to claim annual allowance in respect of capital expenditure incurred on or before 30 June 2009 at the rates prevailing on 30 June 2006;[890]*

(b) where a company referred to in paragraph (a) has opted to claim annual allowance at the rates prevailing on 30 June 2006, it shall also be allowed to claim investment allowances in respect of capital expenditure incurred on or before 30 June 2009, on -

(i) the construction of industrial premises;

(ii) the acquisition of new plant and machinery; or

(iii) the acquisition of computer software,

and the company shall be allowed a deduction of 25 per cent of the capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred;

(c) no deduction shall be allowed under paragraph (b) in respect of expenditure incurred in the acquisition of a road vehicle, other than a new bus of a seating capacity of not less than 30;

(d) subject to paragraph (e), where capital expenditure has been incurred on -

(i) the construction of industrial premises; or

(ii) the acquisition of new plant and machinery for the processing of agricultural, fisheries or livestock products, or for manufacture,

in the Island of Rodrigues, the company shall be allowed a deduction of the capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred;

(e) no deduction shall be allowed under paragraph (b) where the person is allowed a deduction under paragraph (d);

(f) no investment allowance shall be allowed under this subsection

(i) unless

(A) the expenditure is incurred exclusively in the production of gross income in the income year in which the expenditure is incurred; and

(B) the provisions of section 153(1) are complied with;

(ii) in respect of expenditure incurred in the acquisition of machinery or plant which is used or second-hand machinery or plant at the date of its acquisition; or

(iii) where before the expiry of 5 years from the date on which the expenditure was incurred -

(A) the industrial premises are sold, demolished or destroyed, or ceased to be used exclusively as industrial premises;

(B) the plant or machinery is sold, scrapped or ceases to be used for the purposes of the trade carried on by the person; or

(C) the trade carried on by the person is permanently discontinued;

(g) subject to paragraph (h), where a deduction has been allowed under this subsection and any of the events specified in subparagraph (f)(iii) occurs, the deduction allowed shall be

withdrawn and the amount of the deduction so withdrawn shall be deemed to be the gross income of the person in the income year in which the event occurs;

(h) (i) paragraph (g) shall not apply -

(A) where a person sells or otherwise transfers plant or machinery to a relative or to a related company and the plant or machinery sold or transferred is used by the relative or the related company for the production of gross income;

(B) where a person sells or otherwise transfers industrial premises to a relative or to a related company and the premises sold or transferred are used by the relative or the related company as industrial premises;

(C) in respect of industrial premises or plant or machinery sold or otherwise transferred by a person or body of persons engaged in a specified activity to a company engaged in a specified activity provided that the company or its holding company, as the case may be, satisfies the conditions specified in section 12 of the Sugar Industry Efficiency Act 2001.

(14A) Notwithstanding section 24 and regulation 7 and the Second Schedule to the Income Tax Regulations 1996, accelerated annual allowance shall be granted in respect of capital expenditure incurred during the period from 1 January 2013 to 30 June 2018 as follows -[891*]

| **Capital expenditure incurred on** | **Rate of annual allowance – Percentage of** | |
|---|---|---|
| | **Base value** | **Cost** |
| Industrial premises dedicated to manufacturing | 30 | |
| Plant or machinery costing 50,000 rupees or less | - | 100 |
| Electronic and high-precision machinery (including computer hardware and software) | - | 50 |
| Plant and machinery (excluding passenger car) by a manufacturing company | - | 50 |
| Scientific research | - | 50 |

(15) In subsection (14)(h) and (14A)[892*] -

"**specified activity**" means -

(i) the growing of sugar cane;

(ii) the milling of sugar; or

(iii) the processing of sugar cane by-products including the production of firm or continuous electricity for export to the grid through the use of bagasse or coal, as the case may be;

"**green technology equipment expenditure**" means any capital expenditure, excluding capital expenditure on passenger car, incurred on –[893]*

(a) renewable energy;

(b) energy-efficient equipment or noise control device;

(c) water-efficient plant and machinery and rainwater harvesting equipment and system;

(d) pollution control equipment or device, including wastewater recycling equipment;

(e) effective chemical hazard control device;

(f) desalination plant;

(g) composting equipment; or

(h) equipment for shredding, sorting and compacting plastic and paper for recycling.

"**holding company**" has the same meaning as in the Companies Act 2001.

**Losses**

(16) Notwithstanding section 59, where a company referred to in subsection (14)(a) has opted to claim annual and investment allowances at the rates prevailing on 30 June 2006 and has losses arising as a result of such claim, such losses may be carried forward and set off against its net income derived in the 5 succeeding income years following the income year in which the capital expenditure has been incurred.

**Voluntary disclosure incentive scheme (VDIS)** [894]*

(17) Where a person makes, by 31 December 2007, a voluntary disclosure of his undeclared or underdeclared income in respect of the 5 years of assessment ended 30 June 2007, he shall, at the same time, pay tax in accordance with the disclosure at the appropriate rate in force in respect of each of the years of assessment, together with interest at the rate 0.5 per cent per month as from the date the tax was due and payable.

(18) Where the tax and interest under subsection (17) is not paid at the time of the disclosure, any unpaid tax and interest shall carry interest at the rate of 14 per cent per annum.

(19) Where a person makes a voluntary disclosure under subsection (17) and the Director-General is satisfied with such disclosure, that person shall be deemed, notwithstanding sections 146, 147, 148 and 149, not to have committed an offence.

(20) The disclosure under subsection (17) shall be made in such form and manner as may be determined by the Director-General.

**Tax Arrears Settlement Scheme (TASS)** [895]*

(21)[896]*(a) Where tax arrears outstanding as at 8 June 2017 are fully paid by a person on or before 31 May 2018, any penalty and interest included in the tax arrears shall be reduced by 100 per cent, provided that an application for the reduction is made to the Director-General on or before 31 March 2018.

(b) In paragraph (a) -

"**tax arrears**" -

(a) means tax and penalty due and payable under an assessment issued or a return submitted on or before 30 June 2015; but

(b) does not include tax due under an assessment in respect of which representations are pending before the Assessment Review Committee, or an appeal is pending before the Supreme Court or Judicial Committee of the Privy Council.

(22)[897]*(a) Notwithstanding subsection (21), where tax is due as at 31 December 2012 under an assessment issued or a return submitted on or before 01 July 1996, the Director-General may refer the case, whether or not the person has made an application, to the Panel set up under paragraph (b).

(b) The Director-General shall set up a Panel consisting of at least 3 officers, to review and revise the tax, penalties and interest outstanding as at 31 December 2012, in such manner as the Panel may deem appropriate, having regard to the person's financial position or personal circumstance.

(c) The Panel may require the person to appear before it, and provide such information as may be required.

(d) The Director-General may, pursuant to paragraph (b), enter into an agreement with the person for settlement of the debt.

(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. laundering under the Financial Intelligence and Anti-Money Laundering Act or corruption under the Prevention of Corruption Act.

**Tax liability of companies**

(24) Every company which, in respect of the year of assessment 2008-2009, has a turnover exceeding 100 million rupees and pays tax under Sub -Part AA of Part IV during that year of assessment, the company may pay any tax payable in accordance with its return of income for that year of assessment in 3 equal and consecutive yearly instalments starting as from the year of assessment 2008-2009 within the time specified in section 116.[898*]

(25) Every company which, in respect of the year of assessment 2009-2010, has a turnover not exceeding 100 million rupees and pays tax under Sub -Part AA of Part IV during that year of assessment, the company may pay any tax payable in accordance with its return of income for that year of assessment in 3 equal and consecutive yearly instalments starting as from the year of assessment 2009-2010 within the time specified in section 116.[899*]

**Application of Advance Payment System [900*]**

(26) Notwithstanding any enactment, the provisions of Sub-Part AA of Part IV shall, in relation to a company which, in respect of the year of ssessment 2008- 2009, has a turnover not exceeding 100 million rupees, come into operation on 1 July 2009.

**Registration of construction projects [901*]**

(27) For the purposes of benefitting from exemption of registration duty and land transfer tax under section 45A(5) of the Land (Duties and Taxes) Act -

(a) on the transfer to a company of a plot of freehold land[902*] during the period 1 January 2009 to 31 December 2010 for the

construction of any building thereon for sale, renting or its own use; or

(b) upon transfer, on or before 30 June 2011, by a company of a plot of freehold land[903*] together with a building or part of a building thereon or by way of a vente à terme under article 1601-2, or 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 2009, that company may, subject to subsections (28) to (30), register with the DirectorGeneral during the period 1 January 2009 to 31 December 2010 for such construction project.

(28) Registration under subsection (27) shall be subject to the conditions that -

(a) the company is a company incorporated or registered under the Companies Act;

(b) the total costs of construction of the buildings under the project exceed 50 million rupees by 30 June 2011;

(c) 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 indicating the estimated costs of works;

(v) the estimated number of jobs to be created during construction and thereafter; and

(vi) the Outline Planning Permission (OPP) from the relevant local authority.

(29) For the purpose of the exemption of registration duty and land transfer tax, the costs of construction referred to in subsections (28)(b) and (32)(b) shall not include the costs of ancillary infrastructure works such as roads, walls, drains, landscaping and utility services.

(30) Subsection (27) shall not apply to a company implementing a project under the Investment Promotion (Real Estate Development Scheme) Regulations 2007.

(31) Where a company is registered with the Director-General under subsection (27), 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.

**Monitoring costs of construction of building**

(32) For the purposes of monitoring the costs of construction of the building by the Director-General, the company registered under subsection (27) shall -

(a) notify the Director-General in writing of the date on which the construction has started; and

(b) submit to the Director-General, a report from a quantity surveyor certifying the progress of works and the costs of construction works completed, not later than 15 days after each period of 6 months from the beginning of the construction.

**Notification to Registrar-General**

(33) The Director-General shall, notwithstanding section 154, give written notice to the Registrar-General that the company has satisfied or has failed to satisfy the condition specified in subsection (28)(b).

**Application of subsections (27) to (33) to leasehold land [904]***

(34) Subsections (27) to (33) shall, subject to subparagraph (b), apply to leasehold land.

**Taxation of income derived by individuals during the period 1 July to 31 December 2009 [905]***

(35) Notwithstanding the other provisions of this Act -

(a) income derived by an individual in the period 1 July to 31 December 2009 shall be deemed to be derived in the income year ending on 31 December 2009 and shall be taxable in the year of assessment ending on 31 December 2010;

(b) subject to the conditions provided under section 27, an individual shall be entitled to an income exemption threshold as follows -

| | | |
|---|---|---|
| (i) | Category A | 129,230 rupees |
| (ii) | Category B | 188,460 rupees |
| (iii) | Category C | 220,770 rupees |
| (iv) | Category D | 242,310 rupees |
| (v) | Category E | 153,460 rupees |
| (vi) | Category F | 212,690 rupees |

(c) an individual shall not be entitled to claim an income exemption

threshold in respect of –

(i) Category B or Category F, where the net income and exempt income of his dependent exceeds 59,230 rupees;

(ii) Category C, where the net income and exempt income of his second dependent exceeds 32,310 rupees;

(iii) Category D, where the net income and exempt income of his third dependent exceeds 21,540 rupees;

(d) where the net income and exempt income of the first dependent, second dependent and third dependent of an individual claiming an income exemption threshold does not exceed 59,230 rupees, 32,310 rupees and 21,540 rupees respectively, the net income of the dependent or dependents shall be deemed to be, and shall be added to, the net income of that individual;

(e) every individual who, in the CPS quarter ending 30 September 2009, derives gross income falling under Sub-Part B of Part VIII

(i) which exceeds the CPS threshold, whether or not he has a chargeable income for that CPS quarter;or

(ii) which does not exceed the CPS threshold but he has a chargeable income for that CPS quarter,

shall submit to the Director-General in respect of that CPS quarter, a Statement of Income not later than 31 December 2009 and at the same time pay any tax payable in accordance with that Statement of Income;

(f) the computation of chargeable income and tax thereon under paragraph (e) shall be governed by the conditions specified under Sub-Part B of Part VIII;

(g) the due date for the submission of return and payment of tax under section 112 for the income year ending on 31 December 2009 shall be 5 April 2010;

(h) for the purposes of Sub-Part BB of Part VIII and section 112(c), the income threshold of 385,000 rupees is reduced to 207,310 rupees in respect of the income year ending on 31 December 2009;

(i) the National Residential Property Tax imposed by section 111M on an individual owning a residential property referred to in Sub-Part BB of Part VIII shall be calculated in respect of the income year ending on 31 December 2009 at 50 per cent of the rates specified in the Seventh Schedule.

(j) an individual shall be deemed to be resident in Mauritius in the income year ending on 31 December 2009 where he -

(i) has his domicile in Mauritius unless his permanent place of abode is outside Mauritius;

(ii) has been present in Mauritius in that income year, for a period of, or an aggregate period of, 90 days or more; or

(iii) has been present in Mauritius in that income year and the 2 preceding income years, for an aggregate period of 225 days or more;

**CSR Fund**

(36) The amount of profit that a company is required to transfer to the CSR Fund under section 50L out of its book profit derived in the year forming the basis for the year of assessment ending on 30 June 2010 shall be calculated by applying the following formula -

$$\frac{2}{100} \times \frac{b}{12} \times n$$

Where -

b is the book profit derived by the company in the year forming the basis for the year of assessment ending on 30 June 2010;

n is the number of months starting on 1 July 2009 to the end of the accounting year of the company forming the basis for the year of assessment ending on 31 December 2010.

**Tax credit in respect of tax withheld from interest in income year 2010[906]***

(37) (a) Where income tax has been deducted by a financial institution from interest made available to an individual in the income year ending 31 December 2010, the individual may claim a credit in respect of the amount of income tax so deducted in two equal instalments from his tax liability in respect of the income years ending 31 December 2011 and 31 December 2012.

(b) Any credit under subparagraph (a) remaining unrelieved from the tax liability of the individual in respect of the income year ending 31 December 2011, shall be carried forward to the following income year ending 31 December 2012.

(c) Any credit remaining unrelieved from the tax liability of the individual in respect of the income year ending 31 December 2012, shall be refunded to the individual, following the submission of his annual return of income under section 112.

**Effective date of items 18 to 23 in Sub-Part C of Part II of Second Schedule[907]***

(38) Notwithstanding any enactment, items 18 to 23 in Sub-part C of Part II of the Second Schedule shall be deemed to have had effect on 1 January 2011.

**Voluntary Disclosure of Income Arrangement (VDIA)[908]***

(39) (a) Where, on or before 30 September 2013, 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 2013, 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 tax liability in respect of any undeclared income disclosed under paragraph (a) shall be computed, but for the tax rate, in accordance with the provisions of this Act in force in respect of the year for which the income is declared.

(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 appealed to the Supreme Court or to the Judicial Committee of the Privy Council,

and the objection, representation or appeal is pending as at 30 September 2012, 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 without any penalty and interest that may have become due and after taking into account any agreement reached between the taxpayer and the Director-General on any item under dispute.

(42) (a) Where the tax under subsection (39) or (41), as the case may be, is not paid in full on or before 30 September 2013, any unpaid tax shall carry interest at the rate of 0.5 per cent per month.[909]*

(b) The disclosure under this section shall be made in such form and manner, and the payment of any tax liability shall be governed by such other conditions, as may be determined by the Director-General.

(c) Failure to comply with any condition under this subsection shall entail the withdrawal of any benefits under this section to the taxpayer.

(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 -[910*]

(a) on the transfer to a company of a plot of freehold land during the period 1 January 2012 to 31 December 2020 for the construction of any housing estate thereon for sale; or[911*]

(b) on transfer, not later than 30 June 2022, 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,[912*]

that company may, subject to subsections (47) and (48), register with the Director-General during the period from 1 January 2012 to 31 December 2020 for such construction of housing estates.[913*]

(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 2021; and[914*]

(d)[915*] the sale value of a residential unit shall, where the registration is made -

(i) from 1 January 2012 to 31 December 2012, not exceed 2.5 million rupees;

(ii) from 1 January 2013 to 30 June 2019, not exceed 6 million rupees; or[916*]

(iii) from 1 July 2020 to 31 December 2020, not exceed 7 million rupees.[917*]

(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).

(50) (a) Subject to the other provisions of this subsection, where a company, which carries on in Mauritius the business of manufacturing or producing any of the goods or products specified in column 1 of the Ninth Schedule, has incurred capital expenditure exceeding 100 million rupees, during the period 1 January 2014 to 30 June 2016, on new plant and machinery and such plant and machinery is used in that activity, it shall be allowed a tax credit, by way of deduction from its income tax otherwise payable in respect of the year of acquisition and for each of the 2 subsequent income years, of an amount equal to 5 per cent per annum of the cost of the plant and machinery.[918*]

(b) Subject to paragraph (c), where the deduction under paragraph (a) in respect of an income year exceeds the amount of income tax otherwise payable for that income year, the excess may be

carried forward to the following income year.[919*]

(c) No deduction under paragraph (b) in respect of a capital expenditure shall be carried forward beyond a periodof 5 consecutive income years following the income year in which the capital expenditure was incurred.[920*]

(d) Where in an income year the plant and machinery is sold or otherwise transferred, within a period of 5 years from the date of its acquisition, the tax credit shall be withdrawn and any tax credit claimed shall be deemed to be income tax payable to the Director-General in that income year.[921*]

(e) In this subsection –[922*]

"plant and machinery" does not include motor cars.

(50A) (a) Subject to this subsection, where during the period 1 July 2016 to 30 June 2020 – [923*]

(i) a company which carries on in Mauritius the business of manufacturing or producing any of the goods or products specified in the Ninth Schedule has incurred capital expenditure on new plant and machinery and such plant and machinery is used in that activity; or

(ii) a company has invested in the share capital of a subsidiary company engaged primarily in the setting up and management of an accredited business incubator,

it shall be allowed, by way of a deduction from its income tax otherwise payable in respect of the year of acquisition or investment and for each of the 2 subsequent income years, a tax credit.

(aa) Subject to paragraph (ab), the tax credit referred to in paragraph (a) shall be – [924*]

(i) computed at the rate specified in the Ninth Schedule; or

(ii) amount equal to 15 per cent of the investment in the share capital of a subsidiary company engaged primarily in the setting up and management of an accredited business incubator subject to a maximum of 3 million rupees.

(ab) Notwithstanding paragraph (aa), where a company referred to in paragraph (a)(i) derives gross income exclusively from the export of goods or derives gross income from the export of goods and other activities, the tax credit shall be computed in such manner as may be prescribed.

(b) Subject to paragraph (c), where the deduction under paragraph (a) in respect of an income year exceeds the amount of income

tax otherwise payable for that income year, the excess may be carried forward to the following income year.

(c) No deduction under paragraph (b) in respect of a capital expenditure shall be carried forward beyond a period of 10 consecutive income years following the income year in which the capital expenditure was incurred.

(d) Where, in an income year, the plant and machinery or the shares are sold or otherwise transferred, within a period of 5 years from the date of its acquisition, the tax credit claimed shall be deemed to be income tax payable to the Director-General in that income year.

(e) In this subsection –

"plant and machinery" does not include motor cars.

**Taxation of income derived by individuals during the period 1 January to 30 June 2015 [925]***

(51) Notwithstanding this Act –

(a) income derived by an individual in the period 1 January to 30 June 2015 shall be deemed to be derived in the income year ending on 30 June 2015 and shall be taxable in the year of assessment ending on 30 June 2016;

(b) subject to the conditions provided under section 27, an individual shall be entitled to an income exemption threshold as follows –

(i) Category A – 137,500 rupees;

(ii) Category B – 192,500 rupees;

(iii) Category C – 222,500 rupees;

(iv) Category D – 242,500 rupees;

(v) Category E – 162,500 rupees;

(vi) Category F – 217,500 rupees;

(c) an individual shall not be entitled to claim an income exemption threshold in respect of –

(i) Category B or F, where the total of the net income and exempt income of his dependent exceeds 55,000 rupees;

(ii) Category C, where the total of the net income and exempt income of his second dependent exceeds 30,000 rupees;

(iii) Category D, where the total of the net income and exempt income of his third dependent exceeds 20,000 rupees;

(d) where the total of the net income and exempt income of the first dependent, second dependent and third dependent of an individual claiming an income exemption threshold does not exceed 55,000 rupees, 30,000 rupees and 20,000 rupees respectively, the net income of the dependent or dependents shall be deemed to be, and shall be added to, the net income of that individual;

(e) Additional Exemption

(i) where the dependent under Category B, C, D or F is a child pursuing a non-sponsored full-time undergraduate course at a recognised tertiary educational institution, the person shall, in addition to the income exemptionthreshold he is entitled to, be eligible to an additional exemption of –

(A) 40,000 rupees in respect of each dependent pursuing his undergraduate course in Mauritius at an institution recognised by the Tertiary Education Commission established under the Tertiary Education Commission Act; or

(B) 62,500 rupees in respect of each dependent pursuing his undergraduate course outside Mauritius at a recognized institution;

(ii) no exemption under subparagraph (i) shall be allowed –

(A) where the tuition fees for the period 1 January to 30 June 2015, excluding administration and student union fees, are less than 44,500 rupees for a child following an undergraduate course in Mauritius; or

(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 one million rupees for the period 1 January to 30 June 2015;

(C) in respect of the same dependent for more than 3 and a half consecutive years;

(f) the relief under section 27A(1) and (2) shall be allowed for 5 consecutive years starting as from January 2011 and shall be –

(i) 60,000 rupees, in the case of a couple where either spouse is a dependent spouse;

(ii) 60,000 rupees, in the case of a couple where neither spouse is a dependent spouse or, at the spouses' option, divided equally for each spouse; or

(iii) in any other case, 60,000 rupees provided that in the case of a couple, the relief shall not exceed, in the aggregate, 60,000 rupees, or the actual amount, whichever is the lesser;

(g) no relief under section 27A(1) shall be allowed where the income of the person, or the spouse of the person, as the case may be, exceeds one million rupees for the period 1 January to 30 June 2015;

(h) the relief under section 27B(2) shall not exceed the amount specified in column 2 corresponding to the category specified in column 1 of the following table –

| **COLUMN 1** | **COLUMN 2** |
|---|---|
| **Category claimed as Income Exemption Threshold** | **Premium allowable (Rs)** |
| Category A (no dependent) | 6,000 |
| Category B (one dependent) | 6,000 for self<br>+ 6,000 for dependent |
| Category C<br>(2 dependents) | 6,000 for self<br>+ 6,000 for first dependent<br>+ 3,000 for second dependent |
| Category D<br>(3 dependents) | 6,000 for self<br>+ 6,000 for first dependent<br>+ 3,000 for second dependent<br>+ 3,000 for third dependent |
| Category E (retired or disabled person with no dependent) | 6,000 |
| Category F (retired or disabled person having one dependent) | 6,000 for self<br>+ 6,000 for dependent |

(i) where an individual is required under section 106 to submit a CPS Statement of Income for the quarter ended 31 March 2015, the due date for the submission of the CPS Statement and the payment of tax shall be not later than 26 June 2015;

(j) the computation of chargeable income and tax thereon under paragraph (i) shall be governed by the conditions specified in Sub-part B of Part VIII;

(k) the due date for the submission of return and payment of tax under section 112 for the income year ending on 30 June 2015 shall be 30 September 2015;

(l) notwithstanding paragraph (k), where an individual submits his return under section 112 electronically through the computer system of the Authority and at the same time makes payment, through Internet banking, to the Director-General, of the tax payable in accordance with the return, the due date for the submission and for payment shall be 15 October 2015;

(m) an individual shall be considered to be resident in Mauritius in the income year ending on 30 June 2015 where he –

(i) has his domicile in Mauritius unless his permanent place of abode is outside Mauritius;

(ii) has been present inMauritius in that income year for a period of, or an aggregate period of, 90 days or more; or

(iii) has been present in Mauritius in that income year and the 2 preceding income years for an aggregate period of 225 days or more;

(n) the Statement of Emoluments and Tax Deduction required to be given by an employer to an employee and the Return of employees required to be given by an employer to the Director-General under regulation 22 of the Income Tax Regulations 1996 not later than 15August 2015 shall be in respect of the period 1 January 2015 to 30 June 2015.

**Taxation of income derived by persons other than individuals during the period 1 January to 30 June 2015 [926]***

(52) Notwithstanding this Act –

(a) where a company has an approved return date ending on any date falling on or between 1 January and 30 June 2015, the return required to be submitted under section 116 shall be for the year of assessment 2015/2016 which shall follow the return required to be submitted under that section for the year of assessment 2014 and this shall be taken into account when determining the time limit to make assessments under section 130;

(b) where a company has an approved return date ending on any date falling on or between 1 July and31 December 2015, the return required to be submitted under section 116 shall be for the year of assessment 2015/2016 which shall follow the return required to be submitted under that section for the year of assessment 2015 and this shall be taken into account when determining the time limit to make assessments under section 130;

(c) where a company has an approved return date ending on any date falling on or between 1 January and 30 June 2015, the company shall not carry forward and set-off any unrelieved amount of loss under section 59(2), subject to section 59(3), in its return required to be submitted under section 116 for the year of assessment 2015/2016 where the loss relates to the year of assessment 2009;[927*]

(d) where a company has an approved return date ending on any date falling on or between 1 July and 31 December 2015, the company shall not carry forward and set-off any unrelieved amount of loss under section 59(2), subject to section 59(3), in its return required to be submitted under section 116 for the year of assessment 2015/2016 where the loss relates to the year of assessment 2010;[928*]

(e) where a person has an approved return date ending on any date falling in December 2014, the due date for submission of return and payment of tax under section 116 shall be 26 June 2015;

(f) the statement required to be given by a payer to a payee and to the Director-General under section 111K(1), not later than 15 August 2015 and shall be in respect of the period 1 January 2015 to 30 June 2015;

(g) the returns and statements required to be submitted or given under sections 119(1) and (2), 119A(1) and 120(1), not later than 30 September 2015 and shall be in relation to the period 1 January 2015 to 30 June 2015.

**Taxation of income derived by individuals for the income years 2015/2016 and 2016/2017 [929*]**

(52A) Notwithstanding this Act and any other enactment, an individual shall be considered to be resident in Mauritius in each of the income years 2015/2016 and 2016/2017 where he –

(a) has his domicile in Mauritius unless his permanent place of abode is outside Mauritius;

(b) has been present in Mauritius in each of those income years for a period of 180 days or more; or

(c) has been present in Mauritius in each of those income years and the 2 preceding income years for an aggregate period of 225 days or more.

**Obligation to Withhold PAYE for September 2016** [930]*

(53) Every employer shall, for the purpose of withholding income tax in accordance with section 96 for the month of September 2016, take into account the amount of income exemption threshold claimed by the employee in his Employee Declaration Form in respect of the income year ending 30 June 2016.

**Excess CSR Payment**

(54) Where on the coming into operation of section 50L, a company has paid out its CSR Fund, a sum in excess of the amount provided for under that Fund, the excess amount referred to in the repealed section 50L(6) may be carried forward and offset in equal instalments against any amount to be remitted under section 50L(2)(a) in respect of 5 succeeding years starting as from year of assessment 2016/2017.

(55)[931]* (a) Where, during the period 1 July 2017 to 30 June 2027, a person has incurred any qualifying expenditure directly related to his existing trade or business, he may, in the income year in which the qualifying expenditure was incurred, deduct twice the amount of the expenditure, provided the research and development is carried out in Mauritius and no deduction has been claimed under section 24.

(b) Notwithstanding section 18, where, during the period 1 July 2017 to 30 June 2027, a person has incurred qualifying expenditure which is not directly related to his existing trade or business, the Director-General may allow a deduction of the expenditure in the income year in which the expenditure was incurred.

(c) In this subsection –

"**qualifying expenditure**"–

(a) means any expenditure relating to research and development; and

(b) includes –

(i) expenditure incurred on innovation, improvement or development of a process, product or service;

(ii) staff costs, consumable items, computer software directly used in research and development and subcontracted research and development.

**Definition of foreign source income [932]***

(56) Notwithstanding the amendment brought to the definition of "foreign source income" in section 2, the following provisions shall continue to apply –

(a) in the case of a corporation issued with a Category 1 Global BusinessLicence under the Financial Services Act on or before 16 October 2017, the foreign source income shall, up to 30 June 2021, include income derived from its transactions with non-residents or corporations holding a Global Business Licence under the Financial Services Act;

(b) in the case of a bank holding a banking licence under the Banking Act, the foreign source income shall, up to the year of assessment commencing on 1 July 2019, include income derived from its banking transactions with –

(i) non-residents; or

(ii) corporations holding a Global Business Licence under the Financial Services Act.

**Category 2 Global Business Companies [933]***

(57) (a) Notwithstanding the deletion of the item "A company holding a Category 2 Global Business Licence under the Financial Services Act" from Part I of the Second Schedule, the exemption provided under that item shall continue to apply until 30 June 2021 to any company issued with a Category 2 Global Business Licence under the Financial Services Act on or before 16 October 2017.

(b) Subsection (a) shall not apply to –

(i) such intellectual property assets acquired from a related party after 16 October 2017;

(ii) such intellectual property assets acquired from an unrelated party, or such newly created intellectual property assets, after 30 June 2018;

(iii) income derived from such specific assets acquired or projects started after 31 December 2018,

as the Director-General may determine.[934]*

**Tax credit in respect of expenditure on new plant and machinery [935]***

(58) (a) Subject to the other provisions of this subsection, where, during the period 1 July 2018 to 30 June 2020, a company engaged in the importation of goods in semi knocked-down form incurs capital expenditure in new plant and machinery, it shall be allowed, in the year of acquisition and in each of the two subsequent income years, a tax credit of an amount equal to 5 per cent of the cost of the new plant and machinery.

(b) No credit shall be allowed where the local value addition incorporated in the goods referred to in paragraph (a) is less than 20 per cent.

(c) In this subsection –

"plant and machinery" does not include motor cars.

(58A) [936]*(a) Subject to paragraph (b), where, during the period 1 July 2020 to 30 June 2026, a manufacturing company incurs capital expenditure on new plant and machinery, artificial intelligence and patents, it shall be allowed, in the year of acquisition and in each of the 2 subsequent income years, a tax credit of an amount equal to 15 per cent of the cost of the new plant and machinery[937]*.

(aa) Subject to paragraph (ab), where the deduction under paragraph (a) in respect of an income year exceeds the amount of income tax otherwise payable for that income year, the excess may be carried forward to the following income year.[938]*

(ab) Where a company is engaged in the manufacture of both alcoholic and non-alcoholic beverages and has incurred capital expenditure on new plant and machinery, artificial intelligence and patents used exclusively for the production of non-alcoholic drinks, it shall be allowed to claim the deduction under paragraph (a)[939]*.

(ac) No deduction under paragraph (aa) in respect of a capital expenditure shall be carried forward beyond a period of 10 consecutive income years following the income year in which the capital expenditure was incurred.[940]*

(b) In this subsection –

"artificial intelligence" has the same meaning as in the Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules 2021[941]*;

"plant and machinery" does not include motor cars.

**Deduction in respect of emoluments payable to homeworkers [942]***

(59) (a) Notwithstanding section 18, but subject to paragraph (b), where during the period 1 July 2018 to 30 June 2020, a person employs a full-time homeworker, he shall be allowed to deduct from his gross income, other than gross income specified in section 10 (1)(a), an amount equal to 200 per cent of the emoluments payable to the homeworker.

(b) Paragraph (a) shall apply where the person satisfies the following conditions –

(i) he has acquired the necessary information technology system to enable the homeworker to work from home;

(ii) he employs more than 5 homeworkers at any time during the year;

(iii) the monthly emoluments, excluding the end of year bonus under the End of the Year Gratuity Act, payable to the homeworker do not exceed 100,000 rupees; and

(iv) the Director-General is satisfied that the homeworker has started to work from home on or after 1 July 2018.

(c) The deduction under paragraph (a) shall be allowed in respect of emoluments payable to a homeworker during a period not exceeding 24 consecutive months starting from 1 July 2018 or the month in which the homeworker starts working from home, as the case may be.

(d) In this subsection –

"**homeworker**" has the same meaning as in the Employment Rights Act.

**Tax credit in respect of expenditure on information technology system [943]***

(60) Notwithstanding this Act where, during the period 1 July 2018 to 30 June 2020, a person incurs capital expenditure on information technology systems for the purpose of employing homeworkers referred to in subsection (59), he shall be allowed, in the year of acquisition and in each of the two subsequent income years, a tax credit of an amount equal to 5 per cent of the cost of the information technology system.

**Investment banking licence [944]***

(61) Notwithstanding the deletion of item 30 (1)(c) of Sub-part C of Part II of the Second Schedule, the provisions of that section shall continue to apply to

any corporation issued with an investment banking licence during the period starting on 1 September 2016 and ending on 8 August 2018 for a period of 5 income years as from the income year in which the corporation was granted its licence.

**Imposition of tax on banks [945]***

(62) Notwithstanding sections 4 (1)(b) and 44C, companies engaged in banking activities shall be liable to income tax at the rate specified in Part IV of the First Schedule up to and including the year of assessment commencing on 1 July 2019.

**Voluntary Disclosure of Income Scheme – Foreign Assets[946]***

(63) (a) Where, on or before 26 June 2020, a person makes a voluntary disclosure of his undeclared income in respect of any year of assessment preceding the year of assessment ending on 30 June 2020, 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 which may have become due in accordance with this Act.[947]*

(b) The Scheme shall apply only to undisclosed income derived from Mauritius but held offshore in bank accounts or used to purchase assets offshore.

(c) Where the tax under paragraph (a) is not paid in full on or before 26 June 2020, any unpaid tax shall carry interest at the rate of 0.5 per cent per month.[948]*

(d) The disclosure under this subsection shall be made in such form and manner, and the payment of any tax liability shall be governed by such other conditions, as the Director-General may determine.

(e) Paragraphs (a) to (d) shall not apply to any person –

(i) who has been convicted on or after 1 July 2001 of an offence relating to;

(ii) against whom any civil or criminal proceedings are pending or contemplated in relation to an act of; or

(iii) in relation to whom an enquiry is being conducted into an act of,

trafficking in 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.

(f) The disclosure under paragraph (a) shall be supported by documentary evidence on existence of offshore assets.

**Additional investment allowance to companies affected by COVID-19[949]***

(64) (a) Subject to paragraph (b), where a company has, during the period 1 March 2020 to 30 June 2020, incurred capital expenditure on the acquisition of new plant and machinery, it shall, in addition to the deduction to which it may be entitled under section 63, be allowed a deduction of 100 per cent of the capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred.

(b) A company shall be entitled to the additional allowance under paragraph (a) provided that it satisfies the Director-General that it has been adversely affected by COVID-19.

(c) In this subsection –

"COVID-19" has the same meaning as in section 150B(1);

"plant and machinery" does not include motor cars.

**Extension of time for payment of corporate income tax for companies operating in the tourism industry**

(65)[950]* Notwithstanding this Act or section 21R(2) of the Mauritius Revenue Authority Act, any company engaged in an activity in the tourism industry specified in Part I of the Twelfth Schedule of the Income Tax Regulations 1996 is and having an accounting period ending on any date during the period September 2019 to June 2020 shall pay the tax due in accordance with its annual return of income submitted under section 116 as follows –

(a) half of the tax on or before 29 December 2020; and

(b) the remainder on or before 28 June 2021.

(66)[951]* Notwithstanding this Act, where a company specified in Part I of the Twelfth Schedule of the Income Tax Regulations 1996 is required to pay tax under Sub-part AA for any quarter and the due date for payment falls during the calendar year 2020, it shall pay the tax as follows –

(a) half of the tax on or before 29 December 2020; and

(b) the remainder on or before 28 June 2021.

**Extension of time for the submission of APS Statement and payment of the tax under APS**

(67) Notwithstanding this Act and subject to subsection (68), where a company, other than a company specified in Part I of the Twelfth

Schedule of the Income Tax Regulations 1996, is required to submit an APS Statement and pay tax under Sub-part AA of Part IV in respect of a quarter and the due date for the submission of the statement and payment of the tax for that quarter falls in any of the months of November 2020 to May 2021, it shall submit the statement and pay the tax due on or before 30 June 2021.[952]*

(68)[953]* (a) Notwithstanding this Act and subject to paragraphs (b) and (c), a company whose accounting period ends in the month of November 2020 or December 2020 shall not be required to submit an APS Statement and pay tax under Sub-part AA of Part IV in respect of the quarter ending in August 2020 or September 2020, respectively.

(b) Paragraph (a) shall not apply to a company –

(i) where accounting period ends in the month of November 2020 or December 2020; and

(ii) which fails to submit its return and pay tax in accordance with section 116 with respect to the accounting period ending in the month of November 2020 or December 2020.

(c) Paragraphs (a) and (b) shall not apply to a company specified in Part I of the Twelfth Schedule of the Income Tax Regulations 1996.

**Waiving of obligation for the submission of CPS Statement and payment of the tax under CPS**

(69) Notwithstanding this Act and subject to subsection (70), no CPS Statement is required to be submitted or tax paid, under Sub-part B of Part VIII, in respect of any CPS quarter of the income year commencing on 1 July 2020.[954]*

(70) The return required to be submitted under section 112 shall include the income derived by an individual with respect to the income year commencing on 1 July 2020 and the chargeable income and tax payable shall be calculated in relation to that year.[955]*

(71)[956]* (a) Notwithstanding the repeal of subsection 46(3), the exemption provided under that subsection shall continue to apply up to Year of Assessment 2024-2025 to any trust which –

(i) is set up before 30 June 2021;

(ii) qualifies under subsection 46(2); and

(iii) deposits a declaration of non-residence for any of the income year covered by the grandfathering period with the Director-General within three months after the expiry of that income year.

(b) Subparagraph (a) shall not apply to –

(i) intellectual property assets acquired from a related party after 30 June 2021;

(ii) intellectual property assets acquired from an unrelated party, or to such newly created intellectual property assets, after 30 June 2021;

(iii) income derived from such specific assets acquired, or projects started, after 30 June 2021, as the Director-General may determine.

(c) In subparagraph (b) –

"intellectual property asset" includes any –

(i) copyright of literary, artistic or scientific work;

(ii) patent, trade mark, design or model;

(iii) plan; or

(iv) secret formula or process.

(72)[957]* (a) Notwithstanding the repeal of subsections (2) and (3) of section 49A, the provisions of these subsections shall continue to apply up to Year of Assessment 2024-2025 to any Foundation which –

(i) has been set up before 30 June 2021;

(ii) qualified under the repealed subsection 49A(2); and

(iii) deposits a declaration of non-residence for any of the income year covered by the grandfathering period with the Director-General within 3 months after the expiry of that income year.

(b) Subparagraph (a) shall not apply to –

(i) intellectual property assets acquired from a related party after 30 June 2021;

(ii) intellectual property assets acquired from an unrelated party, or to such newly created intellectual property assets, after 30 June 2021;

(iii) income derived from such specific assets acquired, or projects started, after 30 June 2021, as the Director-General may determine.

(c) In subparagraph (b) –

"intellectual property asset" includes any –

(i) copyright of literary, artistic or scientific work;

(ii) patent, trade mark, design or model;

(iii) plan; or

(iv) secret formula or process.

(73) Notwithstanding the repeal of items 10B, 13(a), 32, 35, 37, 43, 51, 53, 54 and 55 of Sub-part C of Part II of the Second Schedule, any company having benefitted under any repealed item shall continue to benefit from that item.[958]*

**Waiving of penalties and interests**

(74)[959]* Where a person is a small and medium enterprise –

(a) which has an annual turnover not exceeding 100 million rupees;

(b) has outstanding penalties as at 25 March 2022 for late submission of returns or statements of income required to be submitted under section 106, 112, 112A, 116 or 119; and

(c) has been issued with a claim on or before 25 March 2022 for the payment of the penalty for late submission of return or statement of income imposed under section 109 or 121, or has submitted the return or statement of income required to be submitted under section 106, 112, 112A, 116 or 119 on or before 25 March 2022,

the penalties imposed under section 109 or 121 shall be waived provided that –

(i) the due date for the submission of the return or statement falls in the year 2020 or 2021; and

(ii) the tax payable in accordance with the return or statement has duly been paid.

(75)[960]* Where a person is a small and medium enterprise –

(a) which has an annual turnover not exceeding 100 million rupees; and

(b) has outstanding penalties or interests as at 25 March 2022 for late payment or non-payment of tax payable in accordance with returns or statements submitted in accordance with section 50B, 106, 112 or 116,

the penalties and interests imposed under section 50F, 110, 122 or 122D shall be waived provided –

(i) the return or statement has been submitted on or before 25 March 2022;

(ii) the due date for the payment of the tax falls in the year 2020 or 2021; and

(iii) the tax payable in accordance with the return or statement has duly been paid.

**162. Repeal and savings**

(1) Subject to section 161A[961*], the Income Tax Act and the Income Tax (Collection, Recovery and Repayment) Act are repealed.

(2) Notwithstanding the repeal of the Income Tax Act and the Income Tax (Collection, Recovery and Repayment) Act, any act or thing done under those Acts shall be deemed to have been done under this Act.

**163. Commencement**

Subject to section 161A, this Act shall come into operation -

(a) in relation to an individual, on 1 July 1996 in respect of the income year commencing on 1 July 1996 and in respect of every subsequent income year; and

(b) in relation to any other person, on 1 July 1996 in respect of the year of assessment commencing on 1 July 1996 and in respect of every subsequent year of assessment.

## FIRST SCHEDULE [962*]

[Sections 4 and 44B]

### PART I

| Chargeable Income | Rate of Income Tax |
|---|---|
| First 390,000 rupees | 0 per cent |
| Next 40,000 rupees | 2 per cent |
| Next 40,000 rupees | 4 per cent |
| Next 60,000 rupees | 6 per cent |
| Next 60,000 rupees | 8 per cent |
| Next 300,000 rupees | 10 per cent |
| Next 300,000 rupees | 12 per cent |
| Next 300,000 rupees | 14 per cent |
| Next 400,000 rupees | 16 per cent |
| Next 500,000 rupees | 18 per cent |
| Remainder | 20 per cent |

### PART II

| | |
|---|---|
| Rate of income tax | 3 per cent |

### PART III [963*]

| Chargeable income – | Rate of income tax |
|---|---|
| (a) first 1.5 billion rupees | 5 per cent |
| b) remainder | 15 per cent |

### PART IV

| | |
|---|---|
| Rate of income tax | 15 per cent |

964*

965*

966*

## SECOND SCHEDULE

*(sections 2 and 7)*

### Part I - Exempt bodies of persons

1. A charitable institution, a charitable Foundation or a charitable trust.[967*]
2. A société de secours mutuels.
3. A benevolent association.
4. A trade union.
5. A local authority.
6. The National Pensions Fund established under the National Pensions Act.
7. The Sugar Industry Pension Fund.
8. A superannuation fund.
9. A trust in respect of a superannuation fund.
10. The Agricultural Research Fund.
11. The Sugar Insurance Fund.
12. The Sugar Planters Fund.
13. The Sugar Employees Fund.
14. The Mauritius Cane Industry Authority.[968*]
15. An equity fund.
16. A special purpose fund established under the Financial Services Act.[969*]

[*17. The Mauritius Sugar Terminal Corporation.]* **Deleted** [970*]

18. The Food and Agricultural Research Council.

*[19. A company holding a Category 2 Global Business Licence under the Financial Services Act 2007.]* **Deleted** [971*]

20. An international organisation approved by the competent authority.
21. The Mauritius Sugar Syndicate. [972*]

21A. The Mauritius Renewable Energy Agency[973*]

22. The Insurance Industry Compensation Fund.[974*]
23. [The SIC Development Co. Ltd] **Deleted**[975*]
24. A subsidiary company of the Bank of Mauritius[976*]
25. SIC Development Co. Ltd[977*]
26. SME Mauritius Ltd[978*]
27. Civil Service College,Mauritius[979*]
28. Investment Support Programme (ISP) Limited[980*]

## Part II - Exempt income

### Sub-Part A - Emoluments

1. Emoluments derived from the office of the President or Vice-President.

2. Any rent allowance payable to a person appointed to an office in -

   (a) the Police Force;

   (b) the Fire Services;

   (c) the Forests Division of the Ministry of Agriculture and Natural Resources;

   (d) the Prisons and Industrial School Service;

   (e) the Ministry of Fisheries;

   (f) the Department of Civil Aviation; or

   (g) the Fire Unit of the Mauritius Marine Authority.

3. Any housing allowance not exceeding 100 rupees per month payable by an employer to an employee under any enactment or by virtue of an award made under an enactment.

4. Any transport allowance payable by an employer to an employee by virtue of the terms and conditions of service equivalent to -

   (a) the return bus fare between residence and place of work;

   (b) petrol allowance, commuted travelling allowance and travel grant payable by the Government of Mauritius and the local authority to their employees; or

   (c) the actual petrol or travelling allowance paid or 25 per cent of the monthly basic salary up to a maximum of 20,000 [981]* rupees, whichever is the lesser, provided that the employee makes use of a private car registered in his own name for attending duty and for the performance of the duties of his office or employment.

5. Passage benefits provided under a contract of employment not exceeding 6 per cent of the basic salary.

6. The first 3 million rupees of the aggregate amount received -[982]*

   (a) as lump sum by way of commutation of pension or by way of death gratuity or as consolidated compensation for death or injury, and paid -

      (i) by virtue of any enactment;

      (ii) from a superannuation fund; and

      (iii) under a personal pension scheme approved by the Director-General;

(b) as lump sum under the National Savings Fund Act;

(c) by way of retiring allowance;

(d) by way of severance allowance determined in accordance with the Labour Act; and

(e) as compensation negotiated under section 42 of the Employment Rights Act, limited to the amount of severance allowance referred to in section 46(5)(i) and (ii) of that Act,[983]*

on such conditions as may be prescribed.

7. Any payment of foreign service allowance, reimbursement of the cost or payment of personal and private expenses including medical expenses, to homebased staff of overseas mission.[984]*

8. Any advantage in money or in money's worth received as lump sum by an employee voluntarily terminating his contract of employment in the context of a factory closure pursuant to the Cane Planters and Millers Arbitration and Control Board Act or under the Voluntary Retirement Scheme under the Sugar Industry Efficiency Act 2001.

9. Any benefit to an employee for a payment by his employer to provide a pension or retiring allowance for the employee or his dependents and which is an allowable deduction under section 22 or 61, as the case may be.

10. Any benefit to an employee for a payment by his employer to a scheme approved by the Director-General to provide against medical expenses for the employee or his dependents and which is an allowable deduction under section 22 or 61, as the case may be.

11. Emoluments of a non-citizen who holds office in Mauritius as an official of a Government other than the Government of Mauritius and is posted to Mauritius for that purpose.

12. Any foreign service allowance payable under a contract of employment to staff of statutory bodies posted abroad, as may be approved by the Director-General. [985] *

13. Repealed.[986]*

14. Any car allowance payable in lieu of duty exemption on a car, to a public officer, an officer of a local authority, or officer of a statutory body, whose terms and conditions of service are governed by the 2013 Report of the Pay Research Bureau.[987]*

15. Salaries and emoluments derived by an employee who is a citizen of Mauritius or who holds a permanent residence permit under the Immigration Act from his employment with the Liaison Office located in Mauritius, of the Bank referred to in the International Financial Organisations Act.[988]*

16. Emoluments derived by a seafarer from his employment on a vessel registered in Mauritius or on a foreign vessel.[989]*

17. (1) Subject to paragraph (2), emoluments derived by an employee from his employment with a corporation licensed by the Financial Services Commission established under the Financial Services Act, provided that the employee manages an asset base of not less than USD 50 million and is issued with -[990]*

(a) an Asset Manager Certificate;

(b) a Fund Manager Certificate; or

(c) an Asset and Fund Manager Certificate,

on or after 1 September 2016, by the Financial Services Commission established under the Financial Services Act.

(2) The exemption shall be for a period of 10 income years as from the income year in which the employee was granted the certificate referred to in paragraph (1).[991]*

18. An allowance not exceeding 15,000 rupees payable to an officer or employee who has been required to work on the frontline during the COVID-19 period where such allowance –[992]*

(a) is payable by the Government; or

(b) is financed by the COVID-19 Solidarity Fund.

19. Any monthly allowance paid by an employer to an employee equivalent to the amount payable by the employee as social contribution under section 3 of the Social Contribution and Social Benefits Act 2021.[993]*

20. Any sum payable by Government or a public sector body to any person as compensation for losses incurred by him, directly or indirectly, as a result of a natural disaster[994]*.

## Sub-Part B - Dividends, Interest and Royalty

1. Dividends -

(a) paid by a company resident in Mauritius ; or

(b) paid by a co-operative society registered under the Co-operative Societies Act.

2. Deleted [995*]

3. Interest payable on -

(a) a balance maintained in a bank holding a banking licence under the Banking Act 2004 by an individual who is not resident in Mauritius;

(b) Deleted;[996*]

(c)[997*] a savings or fixed deposit account held by an individual, a société or a succession with any bank or a non-bank deposit taking institution under the Banking Act;

(d) Government securities, debentures and sukuks quoted on the stock exchange and Bank of Mauritius Bills held by an individual, a société or a succession;[998*]

(e)[999*] bonds and sukuks quoted on the stock exchange held by a non-resident company.

3A. [1000*] (a) Interest derived by individuals and companies –

(i). from debentures, bonds or sukuks issued by a company to finance renewable energy projects on such terms and conditions as the Director-General may approve; and

(ii). from a sustainability bond or a sustainability-linked bond issued in accordance with the bond principles, guidelines and handbooks administered by the International Capital Market Association to finance sustainable projects in Mauritius.

(b) In this item –

"sustainability bond" means a bond which finances a range of both social and environmental projects that are aligned and contribute to the achievement of the Sustainable Development Goals (SDGs);

"sustainability-linked bond" means a bond for which the financial or structural characteristics can vary depending on whether the issuer achieves predefined Sustainability, Environmental, Social and Governance objectives which are measured through predefined Key Performance Indicators and assessed against predefined Sustainability Performance Targets.

3B.[1001]* (a) Subject to the approval of the Minister, interest income derived from a bond issued by a public sector company to finance infrastructure projects.

(b) In this item –

"public sector company" means a company registered with the Registrar of Companies and where the Government of Mauritius, a statutory body or a local authority or the Rodrigues Regional Assembly holds directly or indirectly more than fifty per cent of the shares.

4.[1002]* Interest paid to a non-resident, not carrying on any business in Mauritius –

(a) by a corporation holding a Global Business Licence under the Financial Services Act out of its foreign source income; or

(b) by a bank holding a banking licence under the Banking Act insofar as the interest is paid out of gross income derived from its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act.

5. Royalty payable to a non-resident by a company out of its foreign source income.[1003]*

6. (a) Subject to sub-item (b), 80 per cent of foreign source dividend derived by a company.[1004]*

(b) The exemption under sub-item (a) shall be granted provided –

(i) the dividend has not been allowed as a deduction in the country of source;

(ii) the company satisfies the conditions relating to the substance of its activities as prescribed.

7. (a) Subject to sub-items (aa) and (b)[1005]*, 80 per cent of interest derived by a company other than –

(i) a bank referred to in section 44C;[1006]*

(ii) a non-bank deposit taking institution;[1007]

(iii) a money changer;[1008]*

(iv) a foreign exchange dealer;

(v) an insurance company;

(vi) a leasing company; and

(vii) a company providing factoring, hire purchasefacilities, or credit sales facilities. [1009]*

(aa) Subject to sub-item (b), 95 per cent of interest derived by a Collective Investment Scheme or a Closed-End Fund licensed or approved by the Financial Services Commission established under the Financial Services Act [1010]*.

(b) The exemption under sub-item (a) or (aa) shall be granted provided the company satisfies the conditions relating to the substance of its activities as prescribed.[1011]*

8. Notwithstanding –

(a) the deletion of item 2, the exemption provided under that item shall continue to apply until 30 June 2021 where the dividends or other distributions are paid by a company issued, on or before 16 October 2017, with a Global Business Licence under the Financial Services Act;

(b) the deletion of item 3(b), the exemption provided under that item shall continue to apply until 30 June 2021 where the interest is payable on call and deposit accounts held with any bank under the Banking Act by a company issued, on or before 16 October 2017, with a Global Business Licence under the Financial Services Act.

9. 80 per cent of interest derived by a person from money lent through a Peer-to-Peer Lending platform operated under a licence issued by the Financial Services Commission under the Financial Services Act.[1012]*

10. Interest payable by Air Mauritius Limited in respect of an agreement entered into by Air Mauritius Limited and a non-resident company or consortium of companies for the lease of an aircraft provided that the agreement has been signed in the year of 2019 and that Air Mauritius Limited is required as a condition of the agreement to bear the income tax payable by the lessor pursuant to that agreement.[1013]*

**Sub-Part C - Miscellaneous**

1.[1014]* **Deleted**

2.[1015]* **Deleted**

3.[1016]* **Deleted**

4. Income derived by any person in the form of maintenance allowance or other benefit provided in respect of his attendance at a university, college, school or other educational institution in terms of a scholarship, bursary, exhibition or other education award.

5. **Deleted** [1017]*

6. Interest, rents, royalties, compensations and other amounts paid by a special purpose fund established under the Financial Services Act 2007 to a non-resident.[1018*]

7. Gains or profits derived from the sale of units, securities or debt obligations by a person.[1019*]

7A. Deleted.[1020*]

7B. Gains or profits derived from the sale of gold, silver or platinum, held for a continuous period of at least 6 months by a person.[1021*]

7C. Gains or profits derived from the sale of the items stored in a vault pursuant to item 3(n) of the Second Schedule to the Freeport Act or of the titles of ownership of those items.[1022*]

8. Deleted [1023*]

9. Income derived by the registered owner of a foreign vessel from the operation of the vessel including any income derived from the chartering of such vessel.[1024*]

10. Income derived by the registered owner of a local vessel registered in Mauritius provided the income is derived from deep sea international trade only.

10A. Income derived by a firm authorised under regulation 10(3)(f) of the Consumer Protection (Control of Imports) Regulations 1999 in respect of its bunkering activities of Marine Residual Fuel Oil (RMG 380 - 700 or RMK 380 - 700) as per ISO 8217 Fuel Standard, Fifth Edition 2012 falling under HS Code 2710.1961 of the Customs Tariff Act.[1025*]

10B. Deleted[1026*]

11. (a) Income derived by a small enterprise registered under the repealed Small and Medium Enterprises Development Authority Act or the Small and Medium Enterprises Act 2017 provided that –[1027*]

(i) the enterprise carries out an activity other than an activity in respect of the information and communication technologies under the Information and Communication Technologies Act or financial services under the Financial Services Act; and

(ii) the enterprise operated by a person, other than a company, is converted into a company; or

(iii) the enterprise is operated by a company; and

(iv) the period of exemption of the income of the company does not exceed 4 succeeding income years as from the income year the company starts its activity.[1028*]

(b) Deleted.[1029*]

11A. (a) Income derived by a small enterprise which does not benefit from exemption under item 11, set up prior to 1 June 2015 and registered under the repealed Small and Medium Enterprises Development Authority Act, provided that – [1030]*

(i) its annual turnover does not exceed 10 million rupees ;

(ii) it is engaged in qualifying activities under a scheme referred to in section 5A of the repealed Small and Medium Enterprises Development Authority Act;

(iii) the exemption is in respect of income derived from the activities relating to a project under the scheme referred to in section 5A of the repealed Small and Medium Enterprises Development Authority Act; and

(iv) the period of exemption of the income of the enterprise does not exceed 4 succeeding income years as from the income year 2015/2016.

(b) Deleted.

12. **Repealed** [1031]*

13. (a) Deleted[1032]*

b) Deleted.[1033]*

14. Alimony paid to a previous spouse whose marriage has been dissolved by a court of competent jurisdiction or in respect of maintenance paid to the spouse in accordance with an order of a court.[1034]*

15. Income which is expressly exempt from income tax by any other enactment to the extent of the exemption so provided.[1035]*

16.[1036]*The surplus income generated by a co-operative credit society whose members are registered with the Sugar Insurance Fund Board established under the Sugar Insurance Fund Act.

16A. Income derived by a co-operative society from agricultural activities.[1037]*

17. The income derived on the first 60 tonnes of sugar accruing to a planter who is an individual cultivating less than 15 hectares of land.

18.[1038]* 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.[1039]* 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.[1040*]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.

[*Item 21.to 24.*] **Deleted** [1041*]

25. Basic retirement pension where the person has made a request under section 3 of the National Pensions Act.[1042*]

25A. Invalid's basic pension, contributory invalidity pension and carer's allowance payable under the National Pensions Act.[1043*]

26. Income derived by a person engaged in a bio-farming project duly approved by the Food and Agricultural Research and Extension Institute or by the Commission responsible for the subject of agriculture of the Rodrigues Regional Assembly, during 8 succeeding income years as from the income year in which the person starts his activities.

27. (a) Subject to sub-item (b), income derived from within or outside Mauritius by a member of the Mauritian Diaspora under the Mauritian Diaspora Scheme prescribed under the Economic Development Board Act 2017, during the 10 succeeding income years as from the income year in which he returns to Mauritius.[1044*]

(b) The exemption in respect of income derived from within Mauritius shall be limited to the specific employment, business, trade, profession or investment for which the member of the Mauritian Diaspora is registered under the Mauritian Diaspora Scheme referred to in sub-item (a).[1045*]

28. (a) Income derived by a person licensed under the Captive Insurance Act 2015 during a period not exceeding 10 years starting from the income year in which the company starts its operation.[1046*]

(b) The exemption under sub-item (a) shall be subject to the person satisfying such conditions relating to the substance of its activities as the Financial Services Commission established under the Financial Services Act may impose.[1047*]

29. (1) Subject to paragraph (2), the income of a corporation issued with a Global Headquarters Administration Licence on or after 1 September 2016 licensed by the Financial Services Commission established under the Financial Services Act, provided that-[1048*]

(a) the income is derived from activities covered under that licence; and

(b) the corporation satisfies the conditions -

(i) of minimum employment; and

(ii) relating to the substance of its activities,

as specified by the Financial Services Commission established under the Financial Services Act.

(2) The exemption shall be for a period of 8 income years as from the income year in which the corporation was granted its licence.

30. (1) Subject to paragraph (2), the income of a corporation issued with -

(a) a Global Treasury Activities Licence;

(b) a Global Legal Advisory Services Licence;

(c) [*an Investment Banking Licence*]; **Deleted** [1049]*

(d) [a Family Office (Single) Licence; or] **Repealed**[1050]*

(e) [a Family Office (Multiple) Licence,] **Repealed**[1051]*

issued on or after 1 September 2016 by the Financial Services Commission established under the Financial Services Act, provided that-

(i) the income is derived from the activities covered under that licence; and

(ii) the corporation satisfies the conditions -

(A) of minimum employment; and

(B) relating to the substance of its activities, as specified by the Financial Services Commission established under the Financial Services Act.

(2) the exemption shall be for a period of 5 income years as from the income year in which the corporation was granted its licence.

30A.[1052]*(1) Subject to paragraph (2), the income of a corporation holding –

(a) a Family Office (Single) Licence; or

(b) a Family Office (Multiple) Licence,

which is issued on or after 1 September 2016 by the Financial Services Commission established under the Financial Services Act, provided that–

(i) the income is derived from the activities covered under that licence; and

(ii) the corporation satisfies the conditions –

(A) of minimum employment; and

(B) relating to the substance of its activities,

as specified by the Financial Services Commission established under the Financial Services Act.

(2) The exemption shall be for a period of 10 income years as from the income year in which the corporation was granted its licence.

31. (1) Subject to paragraphs (2) and (3), income derived by -

(a) an individual who is a non-citizen, investing not less than USD 25 million in Mauritius on or after 1 September 2016, provided that the terms and conditions as the Economic Development Board"; may approve are complied with; or[1053]*

(b) a company wholly owned by a non-citizen investing not less than USD 25 million in the company provided that the terms and conditions as the Economic Development Board may approve are complied with.[1054]*

(2) The exemption shall be for a period of 5 succeeding income years as from the income year in which the investment was made.

(3) No exemption shall be granted in the event that the investment made under this item is reduced to less than USD 25 million at any time during the first 5 years.

32. Deleted [1055]*

33. Income received by an athlete, as defined under the Sports Act 2016, in terms of –[1056]*

(a) financial support he receives within the framework of a sponsorship contract;

(b) financial assistance he receives in relation to his preparation for, and participation in, a competition;

(c) a financial reward in respect of his performance.

34. (a) Subject to sub-item (b), the income of a company set up on or after 1 July 2017 and involved in innovation-driven activities for intellectual property assets which are developed in Mauritius or income derived by a company from intellectual property assets which are developed in Mauritius on or after 10 June 2019.[1057]*

(b) The exemption shall be for a period of 8 income years as from the income year in which the company started its innovation-driven activities and shall be granted provided that the company satisfies such conditions as may be prescribed.[1058]*

35. Deleted[1059*]

36. Income derived from the exploitation and use of deep ocean water for providing air conditioning installations, facilities and services by a company for a period of 8 income years starting from the income year in which the company starts its operations.[1060*]

37. Deleted [1061*]

38. (a) Subject to sub-item (b), income derived by a company from activities carried out as a project developer or project financing institution in collaboration with the Mauritius Africa Fund for the purpose of developing infrastructure in the Special Economic Zones.[1062*]

(b) The exemption under sub-item (a) shall be for a period of 5 succeeding income years as from the income year in which the activities referred to in sub-item (a) started.

(c) In this item –

"**Special Economic Zone**" means a part of the territory of a foreign country where business activity may be conducted under preferential terms and which is being developed, managed or promoted by the Mauritius-Africa Fund Limited, or any of its subsidiaries or affiliates.

39. Income derived by a person from any activity under the sheltered farming scheme, set up by the Food and Agricultural Research and Extension Institute, during 8 successive income years as from the income year in which the person starts the activity.[1063*]

40. 80 per cent of profit attributable to a permanent establishment which a resident company has in a foreign country.[1064*]

41. (a) Subject to sub-item (b), 80 per cent of the income, other than interest, derived by a Collective Investment Scheme or a Closed End Fund licensed or approved by the Financial Services Commission established under the Financial Services Act.[1065*]

(aa) Subject to sub-item (b), 80 per cent of income derived by a CIS manager, CIS administrator, investment adviser, investment dealer or asset manager, as the case may be, licensed by the Financial Services Commission established under the Financial Services Act.[1066*]

(b) The exemption under sub-items (a) and (aa) shall be granted provided the company satisfies the conditions relating to the substance of its activities, as may be prescribed.[1067*]

42. (a) Subject to sub-item (b), 80 per cent of income derived by companies engaged in the leasing of –[1068*]

(i) ships;

(ii) aircrafts;

(iii) locomotives and trains, including rail leasing.

(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.[1069*]

43. Deleted[1070*]

44.[1071*] Deleted

44A. Gains or profits, in money or money's worth, derived from the sale or transfer of undeveloped land where the sale or transfer is made to –[1072*]

(a) a smart city company or smart city developer under the Smart City Scheme prescribed under the Economic Development Board Act 2017;

(b) the holding company, as defined in the Companies Act, of a smart city company or smart city developer under the Smart City Scheme for the purpose of developing the said land for a smart city project under the Smart City Scheme prescribed under the Economic Development Board Act 2017;

(c) a PDS Company under the Property Development Scheme prescribed under the Economic Development Board Act 2017; or

(d) the holding company of a PDS Company for the purpose of developing the said land under the Property Development Scheme,

provided that –

(i) the transferor holds shares in the smart city company, smart city developer, PDS Company or holding company, as the case may be, equivalent to at least the value of the land transferred; and

(ii) the market value of the land as at the date of transfer will be used for the purpose of determining chargeable income of the smart city company, smart city developer or PDS Company, as the case may be.

45.[1073*] Deleted

45A. Income derived by Mauri-Facilities Management Co. Ltd provided that the period of exemption of the income of the company does not exceed 5 succeeding income years as from the income year the company starts its operation.[1074*]

46.[1075*](a) Subject to sub-item (b), 80 per cent of income derived by a company from reinsurance and reinsurance brokering activities.

(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.

47.[1076*](a) Subject to sub-item (b), 80 per cent of income derived by a company from leasing and provision of international fibre capacity.

(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.

48.[1077*](a) Subject to sub-item (b), 80 per cent of income derived by a company from the sale, financing arrangement, asset management of aircraft and its spare parts and aviation advisory services related thereto.

(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.

49.[1078*](a) Subject to sub-item (b), income derived by a company set up on or before 30 June 2025 and issued with an E-Commerce certificate by the Economic Development Board provided that –

(i) the income is derived from the operation of the E-Commerce platform; and

(ii) the company satisfies such conditions as may be prescribed relating to the substance of its activities.

(b) The exemption under sub-item (a) shall be for a period of 5 succeeding income years as from the income year in which the activities referred to in sub-item (a) started.

50.[1079*](a) Subject to sub-item (b), income derived by a person from the operation of a Peer-to-Peer Lending platform, operated under a licence issued by the Financial Services Commission under the Financial Services Act, provided that –

(i) the person has started its operations prior to 31 December 2021;

(ii) the income is derived from the activities covered under that licence; and

(iii) the person satisfies the conditions relating to the substance of its activities, as specified by the Financial Services Commission established under the Financial Services Act.

(b) The exemption under this item shall be for a period of 5 succeeding income years as from the income year in which the person started its operations.

51.[1080*]Deleted

52.[1081*]The first 50,000 rupees of the amount receivable by an individual in an income year from a REIT.

53.[1082*]Deleted

54.[1083*]Deleted

55.[1084*] Deleted

56. The income derived by a Company incorporated on or after 1 July 2021 and holding an Investment Certificate issued by the Economic Development Board for a period of 8 succeeding years from the income year in which that Company is incorporated. [1085*]

57. Income derived by a person using an innovative agricultural method under the Integrated Modern Agricultural Morcellement Scheme administered and managed by the Economic Development Board during 8 succeeding income years as from the income year in which the person starts the activity. [1086*]

58. Income derived by a person engaged in sustainable agricultural practices and registered with the Economic Development Board during 8 succeeding income years as from the income year in which the person starts the activity.[1087*]

59.[1088*] (a) Subject to sub-item (b), income derived by a company issued with a certificate as a freeport operator or private freeport developer under the Freeport Act, provided that –

(i) it has started its operations on or after 1 July 2022;

(ii) it has invested not less than 50 million rupees in its operations; and

(iii) it satisfies such conditions relating to the substance of its activities as may be prescribed.

(aa) Subject to sub-item (b), the exemption under this item, in the case of a company holding a global business licence under the Financial Services Act and a certificate as a freeport operator or private freeport developer under the Freeport Act, shall apply only to the income derived by the company pertaining to its activities as a freeport operator or private freeport developer, as the case may be[1089*].

(b) The exemption under this item shall be for a period of 8 succeeding income years as from the income year in which the company started its operations.

60. Any allowance received by a person under Sub-part IIIB, IIIBA, IIIBB, IIIC, IIICA, IIICB, IIID or IIIE of Part III of the Social Contribution and Social Benefits Act 2021.[1090*]

61.[1091*] (a) Subject to sub-item (b), 80 per cent of income derived by a company holder of a Payment Intermediary Services (PIS) licence issued by the

Financial Services Commission established under the Financial Services Act.

(b) The exemption under sub-item (a) shall be granted provided the company satisfies the conditions relating to the substance of its activities, as may be prescribed.

62.[1092*] (a) Subject to sub-item (b), 80 per cent of income derived by a company holding a Robotic and Artificial Intelligence Enabled Advisory Services licence issued by the Financial Services Commission established under the Financial Services Act.

(b) The exemption under sub-item (a) shall be granted provided the company satisfies the conditions relating to the substance of its activities, as may be prescribed.

## THIRD SCHEDULE [1093*]

*(section27(2))*

### PART I – DEDUCTION FOR DEPENDENT

1. Deduction for dependents

| Dependents | Amount of deduction (Rs) |
|---|---|
| One dependent | 110,000 |
| Two dependents | 190,000 |
| Three dependents | 275,000 |
| Four or more dependents | 355,000 |

2. Where a dependent in respect of whom a deduction is claimed under paragraph 1 is pursuing a non-sponsored full-time undergraduate or post-graduate course at a –

(a) tertiary educational institution recognised by the Tertiary Education Commission established under the Tertiary Education Commission Act; or
(b) recognised tertiary educational institution, outside Mauritius,

the person shall, in addition to the deduction he is entitled to, be eligible to an additional deduction of 500,000 rupees.

3. No exemption under paragraph 2 shall be allowed –

(a) where the annual tuition fees, excluding administration and student union fees, are less than 34,800 rupees for a child following an undergraduate course in Mauritius;

(b) in respect of the same dependent for more than 6 years.

4. Where a dependent in respect of whom a deduction is claimed under paragraph 1 is attending a fee-paying private primary or secondary school registered under the Education Act, the person shall, in addition to the deduction he is entitled to, be eligible to an additional deduction of the amount of the fees paid or 60,000 rupees, whichever is the lower[1094*].

## PART II - RELIEF FOR MEDICAL OR HEALTH INSURANCE PREMIUM [1095]*

| COLUMN 1 | COLUMN 2 |
|---|---|
| **Self and dependents** | **Premium allowable (Rs)** |
| Self | 25,000 |
| Self and one dependent | 25,000 for self +<br>25,000 for dependent |
| Self and 2 dependents | 25,000 for self +<br>25,000 for first dependent +<br>20,000 for second dependent |
| Self and 3 dependents | 25,000 for self +<br>25,000 for first dependent +<br>20,000 for second dependent +<br>20,000 for third dependent |
| Self and 4 dependents | 25,000 for self +<br>25,000 for first dependent +<br>20,000 for second dependent +<br>20,000 for third dependent +<br>20,000 for fourth dependent |

## *[FOURTH SCHEDULE]* Repealed

*(sections 2 and 105)*[1096]*

**[PART II] Repealed** [1097]*

## FIFTH SCHEDULE [1098*]

*(section 111B(e))*

**Services other than services provided by a non-resident**

Accountant/Accounting firm

Architect

Attorney/Solicitor

Barrister

Engineer

Interior Decorator/Designer

Land surveyor

Legal consultant

Medical service provider

Project manager in the construction industry

Property valuer

Quantity surveyor

Tax adviser or his representative

## SIXTH SCHEDULE [1099*]

[Section 111C]

**DEDUCTION OF TAX AT SOURCE**

| | Amount or sum made available to the payee by way of - | Rate of tax (%) |
|---|---|---|
| 1 | Interest payable by any person, other than by a bank or non-bank deposit taking institution, under the Banking Act, to any person, other than a company resident in Mauritius [1100*] | 15 |
| 2 | Royalties payable to -<br>(a) a resident<br>(b) a non-resident | <br>10<br>15 |
| 3 | Rent payable to – [1101*]<br>(a) a resident<br>(b) a non-resident | <br>7.5<br>10 |
| 4 | Payment to contractors and sub-contractors | 0.75 |
| 5 | Payment to providers of services as specified in the Fifth Schedule to the Income Tax Act[1102*] | 5 |
| 6 | Payment made by Ministry, Government department, local authority, statutory body or the Rodrigues Regional Assembly on contracts, other than payments to contractors and subcontractors and payments to providers of services specified in the Fifth Schedule -<br>(a) for the procurement of goods and services under a single contract, where the payment exceeds 300,000 rupees;<br>(b) for the procurement of goods under a contract, where the payment exceeds 100,000 rupees; or<br>(c) for the procurement of services under a contract, other than telephone, postal, air travel and hotel services, where the payment exceeds 30,000 rupees | <br>1<br>1<br>3 |
| 7 | Payment made to the owner of an immovable property or his agent pursuant to section 111B(g) | 5 |
| 8 | Payment made to a non-resident for any services rendered in Mauritius pursuant to section 111B(h) | 10 |
| 9 | Payment of management fees pursuant to 111B(i) to –<br>(a) a resident<br>(b) a non-resident | <br>5<br>10 |
| 10 | Payments to a non-resident entertainer or sportsperson pursuant to 111B(j) | 10 |
| 11 | Commission [1103*] | 3 |

| | | |
|---|---|---|
| 12 | Payment to consultants other than those specified in the Fifth Schedule, pursuant to section 111B(l)[1104*] | 3 |
| 13 | Payment made to a provider of security services, cleaning services or pest management services and other ancillary services, pursuant to section 111B(m)[1105*] | 3 |
| 14 | Payment made by insurance companies to motor surveyors and any other person, pursuant to section 111B(n)[1106*] | 3 |

## SEVENTH SCHEDULE[1107*]

*(section 111M)*

| Area | Rate |
|---|---|
| 1. In the case of apartment, flat or tenement, its Floor area as specified in the title deed or contract | 30 rupees per square metre |
| 2. In the case of any other residential property, the surface area of the land | 10 rupees per square metre |

## EIGHTH SCHEDULE
## (sections 139 and 141)

### PART I

Office of the
Director-General
Mauritius Revenue Authority
Port Louis
Date .....

Income Tax Account No. .....
Financial Year .....
Year of Assessment .....
Account Reference .....

### DISTRESS WARRANT

Under section 139 of the Income Tax Act 1995.

To Usher of the Supreme Court.....

Whereas..... is indebted to the Director-General of the Mauritius Revenue Authority in the sum of ..... being income tax due and payable by the aforesaid ..... particulars of which are set out in the Annex.

And whereas default has been made in the payment of the aforesaid amount to the Director-General of the Mauritius Revenue Authority and the aforesaid amount is still due.

These are therefore to authorise and order you forthwith to make distress of the goods, chattels and effects of the said person, and if within the period of 3 clear days next after the making of such distress the amount of the tax due and payable including the charge of taking and keeping the distress is not paid, you shall sell the goods, chattels and effects of the said person up to the amount mentioned in the distress including the costs and that you certify to me on or before the ..... day of ..... 19.. what you shall have done by virtue of this warrant.

Given under my hand at Port Louis, this ..... day of ..... 19..

.....
Director-General of the Mauritius Revenue Authority

### RETURN OF THE ABOVE WARRANT

In execution of the above warrant, I certify that I have this day seized the goods, chattels and effects of the hereinnamed and have made and signed an inventory of the same hereunto annexed, and have appointed ..... as guardian of the same.

Date ..... 19..

.....
Usher of the Supreme Court

## PART II

## FORM OF MEMORANDUM OF INSCRIPTION

Privilege inscribed under section 141 of the
Income Tax Act 1995
by the
Director-General of the Mauritius Revenue Authority
electing his legal domicile in his Office in Port Louis
against

..... ..... (names in full)

of ..... (address in full)

.....
(occupation)

and

Mrs.....

(christian and maiden names in full)

of ..... (address in full)

his wife, hereinafter called the debtor/s

for the sum of ..... rupees (in words)

upon all immovable property belonging to the debtor/s including

.....

.....

.....

Drawn up in Port Louis on the ..... of ..... 19..

I certify that this memorandum is an exact copy of the other original with which it has been duly collated.

.....
Director-General of the Mauritius Revenue Authority

**PART III**

The Conservator of Mortgages is hereby requested to erase in his registers the privilege inscribed by the Director-General of the Mauritius Revenue Authority on the ..... of ..... 19.. in Vol. ..... No. .... against:

.....

.....

.....

upon all immovable property which belonged to the latter, including

.....

Dated, signed and sealed in Port Louis on the ..... of ..... 19..

.....
Director-General of the Mauritius Revenue Authority

**[NINTH SCHEDULE [1108*]REPEALED**
[Section 161A(50) and (50A)]

**TENTH SCHEDULE [1109*]**

[Section 50L]

**PART A - PRIORITY AREAS OF INTERVENTION**

Dealing with health problems
Educational support and training
Environment and sustainable development
Family protection, including gender-based violence
Fields of advocacy, capacity building and research for consideration as cross-cutting throughout the priority areas of intervention
Leisure and sports
Peace and nation-building
Road safety and security
Social housing
Socio-economic development as a means for poverty alleviation
Supporting people with disabilities
Such other areas as the Minister may determine

Note-

The priority areas specified in this Part shall target individuals and families -

(a) registered under the Social Register of Mauritius; and

(b) vulnerable groups under the Charter of the National Social Inclusion Foundation.[1110]*

## PART AA – NATIONAL HERITAGE[1111]*

Restoration of a building designated as a national heritage under the National Heritage Fund Act

## PART B - ACTIVITIES AND CONTRIBUTIONS WHICH DO NOT QUALIFY UNDER CSR

Any activity discriminating on the basis of race, place of origin, political opinion, colour, creed or sex

Any activity promoting alcohol, cigarettes or gambling

Any activity targeting shareholders, senior staff or their family

Contribution to any Government department or parastatal body

Contribution to natural disasters mitigation programme

Contribution to political or trade union activities

Contribution to religious or spiritual activities

Sponsorship for the purpose of marketing for companies

Staff welfare and training of employees

---

## ELEVENTH SCHEDULE [1112]*

[Section 150A]

| **An individual deriving the following basic salary in a month** | **Allowance (Rs)** |
|---|---|
| Less or equal to Rs 5,000 | 1,000 |
| Above Rs 5,000 but less or equal to Rs 7,000 | 800 |
| Above Rs 7,000 but less or equal to Rs 9,000 | 500 |
| Above Rs 9,000 but less or equal to Rs 9,750 | 250 |
| Above Rs 9,750 but less or equal to Rs 9,900 | 100 |

## TWELFTH SCHEDULE [1113*]

[Section 123C(2)]

## STATEMENT OF ASSETS AND LIABILITIES

Name .....

Address .....

National Identity Card no. .....

Business Registration no. .....

1. I hereby declare that the assets held by me, my spouse and dependent children, in our own names or in any other names in Mauritius and outside Mauritius as at ..... are as follows –

*(date)*

<table>
<tr><th>ASSETS</th><th>Value at cost (Rs)</th></tr>
<tr><td>Immovable property</td><td></td></tr>
<tr><td>Non-business assets</td><td></td></tr>
<tr><td>Land, building, apartment, etc., including leasehold land and building<br><br><table><tr><th>Description</th><th>Address</th><th>Extent/Area</th></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table></td><td>.....<br>.....</td></tr>
<tr><td>Bank accounts</td><td></td></tr>
<tr><td>Current, savings, fixed held by you solely or jointly with any other person<br><br><table><tr><th>Name of bank</th><th>Accounts number</th></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table></td><td>.....<br>.....</td></tr>
</table>

* Please refer to endnotes at Appendix 1

| **Cash** | |
|---|---|
| Cash in hand/safe deposits/lockers | |
| | ..... |
| **Investment (of more than Rs 200,000)** | |
| Amount invested in shares/securities/units, etc.<br>Investment in listed company | ..... |

| Name of company | Number of shares |
|---|---|
| | |

.....

Investment in unlisted company

| Name of company | Number of shares |
|---|---|
| | |

.....

Share in société/partnership/joint venture/succession

| Name of société/partnership/joint venture/succession |
|---|
| |

.....

Investment in Government securities

| |
|---|
| |

.....

Debts/loans/advances/receivables

| |
|---|
| |

.....

Any other investment

| Description |
|---|
| |

.....

| **Motor vehicles** | |
|---|---|

| Registration number | Make |
|---|---|
| | |

.....

| **Household furniture and electrical household appliances** | |
|---|---|

| | |
|---|---|
| **Other possessions** | |
| Boats, including pleasure crafts<br>Details<br><br>Jewellery, antiques and precious stones<br>Other assets exceeding Rs 200,000 in the aggregate not included above | .....<br>.....<br>..... |
| Total non-business assets | ..... |
| **Business assets** | |
| Total business assets, including plants and machinery, stock, debtors and other assets used by a sole proprietor in his business | ..... |
| **Total assets** | ..... |

**2.** My liabilities and the liabilities of my spouse and dependent children as at ..... are as follows –
(*date*)

| | |
|---|---|
| **Liabilities** | |
| Non-business liabilities (loan, mortgage, borrowings, etc.) | |
| Total non-business liabilities | |
| Business liabilities | |
| Total business liabilities (liabilities contracted by a sole proprietor for the purpose of his business) | |
| **Total liabilities** | |
| **Net Assets** | |

**3.** I, my spouse and dependent children, have during the year ended...../during period ..... to .....* made the following outgoings **–**
(*year*) (*date*) (*date*)

* Please refer to endnotes at Appendix 1

| | |
|---|---|
| Amount settled in trusts | ..... |
| Contributions to personal pension funds | ..... |
| Premiums in respect of life insurance policies | ..... |

| | |
|---|---|
| ..... Signature | Date Month Year |

Note

* Applicable where the person does not submit a Statement of Assets and Liabilities at the end of each year.

**THIRTEENTH SCHEDULE[1114]***

[Section 111V]

**Activities which qualify for presumptive tax**

Agriculture, forestry and fishing

Manufacturing excluding restaurants

Retail of goods, including sale of food to be consumed off premises

Wholesale of goods

# APPENDIX I

## Endnotes

[1] FA 2006 – Section 7 deleted and replaced w.e.f 01.07.06.
ITA 1995:-
7. Exempt income

[2] FA 2006 – Section 25 deleted w.e.f 01.07.07.
ITA 1995:-
*25. Investment allowance*

[3] FA 2023 – Sub-Part C deleted and replaced w.e.f 01 July 2023.

"*Sub-Part C – Income Exemption Threshold for individuals"*

FA 2006 – Sub-Part C deleted and replaced w.e.f 01.07.06.
ITA 1995:-

***Sub-Part C - Personal Reliefs and Deductions***

*27. Reliefs and deductions limited to individuals resident in Mauritius*
*28. Emoluments relief*
*28A. Agricultural income relief*
*29. Relief for contribution to certain funds and schemes*
*30. Interest relief*
*31. Relief for life insurance premium*
*32. Relief for premium on personal pension scheme*
*33. Relief for premium on retirement annuity*
*34. Relief for contribution to medical scheme and for ambulance services*
*35. Savings relief*
*36. Investment relief*
*36A. Relief for shares traded on the Official List of the Stock Exchange*
*36B. Relief for investment in Retirement Savings Scheme*
*37. Deduction for medical expenses*
*37A. Donations to charitable institutions*
*37B. Contributions to the National Solidarity Fund*
*37C. Expenditure incurred on education and training*
*38. Basic personal deduction*
*39. Deduction for dependent spouse*
*40. Deduction for alimony and maintenance*
*41. Deduction for dependent children*
*41A. Deduction for educational expenses*
*42. Deduction for dependent handicapped child*
*42A. Deduction for other handicapped person*

[4] FA 2011 –New sections 48 and 49 inserted after section 47,in so far as it relates to section 48 of the Income Tax Act, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.
FA 2006 – Section (48) deleted w.e.f 01.07.07.
ITA 1995:-
*48. Listed companies and subsidiaries of listed companies*

[5] FA 2011 –New sections 48 and 49 inserted after section 47, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

FA 2006 – Section (49) deleted w.e.f 01.07.07
ITA 1995:-
*49. Companies in the freeport zone*

[6] FA 2007 – Part IV amended, by inserting immediately after Sub -Part A, the following new Sub-Part AA shall come into operation on 1 July 2008.

[7] FA 2007 – Part IV amended, by inserting immediately after Sub -Part A, the following new Sub-Part AB - shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

[8] FA 2006 – Section (64A) deleted w.e.f 01.07.07.
ITA 1995:- *64A. Additional investment allowance*

[9] FA 2006 – Section (67) deleted w.e.f 01.07.07.
ITA 1995:- *67. Donations to charitable institutions*

[10] FA 2006 – Section (67B) deleted w.e.f 01.07.07.
*67B. Contributions to sport clubs and sport training centres*

[11] FA 2006 – Section (67C) deleted w.e.f 01.07.07.
*67C. Contributions to the National Solidarity Fund and Prime Minister's Children's Fund*

[12] FA 2006 – Section (67D) deleted w.e.f 01.07.07.
*67D. Contributions to employees' share scheme*

[13] FA 2006 – Section (67E) deleted w.e.f 01.07.07.
*67E. Investment in start-up companies*

[14] FA 2006 – Section (67F) deleted w.e.f 01.07.07.
*67F. Expenditure incurred in the setting up of social infrastructure*

[15] FA 2006 – Section (67G) deleted w.e.f 01.07.07.
*67G. Contributions to the national ambulance services*

[16] FA 2006 – Sub-Part D deleted w.e.f 01.07.07.

[17] FA 2006 – Section 96 deleted and replaced w.e.f 01.07.06.
ITA 1995:-
***96. Ascertainment of chargeable income***

[18] MRA Act 2004 – Section 99A added.

[19] FA 2006 – Section 101A added w.e.f 01.07.06.

[20] MRA Act 2004 – Section 105A added.

[21] FA 2006 – Sub-Part BA added w.e.f 01.07.06.

[22] FA 2006 – Heading of Section 111K deleted and replaced.
*111K. Statement of tax deducted*

[23] FA 2010 – FA 2010 – Sub-part BB of Part VIII repealed shall be deemed to have come into operation as from the year of assessment 2011.

FA 2006 – Sub-Part BB added w.e.f 01.07.06.

[24] FA 2006 –Section 122 C added w.e.f 01.07.07.

[25] FA 2006 –Section 122 D added w.e.f 01.07.07.

[26] FA 2006 –Section 133 repealed w.e.f 01.07.07.

ITA 1995 :-
*133. Penalty for non-payment of income tax assessed*

[27] FA 2006 –Section 146A added w.e.f 07.08.06.

[28] FA 2006 –Section 146B added w.e.f 07.08.06.

[29] MRA Act 2004 – Section 148A repealed w.e.f. 01.07.06 ( Proclamation No. 10 of 2006)
*148A. Prosecution by Commissioner*

[30] FA 2023 – New Part XIIF inserted, w.e.f 20 July 2023.

[31] FA 2007- Section 152A inserted w.e.f 22.08.07.

[32] FA 2008- Definition added shall be deemed to have come into operation on 1 July 2008.

[33] FA 2007 – Definition added (shall come into operation on 1 July 2008).

[34] FA 2007 – Definition added, shall come into operation on 1 July 2008.

[35] FA 2017- New Definition added w.e.f 24 July 2017.

[36] The Limited Liability Partnerships Act 2016 - The definition of "associate" deleted and replaced w.e.f 3 January 2017- Proclamation No. 60 of 2016.

***"associate"*** *includes a general partner or a limited partner of a limited partnership*

The Limited Partnership Act 2011(Act No.28 of 2011) – New definition inserted w.e.f. 15 december 2011.

[37] The Securities Act 2005 - The definitions of **"authorised mutual fund"**deleted and replaced w.e.f 28.09.07.

*"**authorised mutual fund**" has the same meaning as in the Companies Act 1984;*

[38] Definition added by MRA Act 2004 ,w.e.f 01.07.06( Proclamation No. 10 of 2006).

[39] FA 2006 – Definition deleted and replaced shall be deemed to have come into operation on 1 July 2006.

ITA 1995 :-
***"base value"*** *means the cost to the owner of any plant or machinery after deducting therefrom any amount allowed by way of annual allowance;*

[40] FA 2022 - new definition added – shall come into operation on a date to be fixed by Proclamtion.

[41] Definition added by MRA Act 2004, w.e.f 01.07.06 ( Proclamation No. 10 of 2006)

[42] FA 2024 – new definition added – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2024 and in respect of every subsequent income year.

[43] FA 2023 – Paragraph b(i) amended, by deleting the words "income exemption threshold" and replacing them by the words "personal reliefs and deductions", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2011 – Paragraph (c) repealed, shall be deemed to have come into operation on 5 November 2011.

FA 2010 – New paragraph (c) added – shall come into operation on 1 January 2011.

(c) in relation to gains, the gains derived from the sale or transfer of immovable property computed in accordance with section 10A;

FA 2006 – Definition deleted and replaced shall be deemed to have come into operation on 1 July 2006.

(a) for the purposes of section 107, the amount of income ascertained in accordance with that section;

(b) for the purposes of Sub-Part C of Part VIII –

(i) in the case of an individual, the amount remaining after deducting from the net income the income exemption threshold to which that individual is entitled; and

(ii) in any other case, the net income.

ITA 1995 :-
*"**chargeable income**" means -*

*(a) for the purposes of section 96, the amount of income ascertained in accordance with that section;*
*(b) for the purposes of section 107, the amount of income ascertained in accordance with that section;*
*(c) for the purposes of Sub-Part C of Part VIII -*

*(i) in the case of an individual, the amount remaining after deducting from the net income all personal reliefs and deductions to which that individual is entitled; and*
*(ii) in any other case, the net income;*

[44] THE FOUNDATIONS ACT 2012 - New Definition added w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

[45] FA 2021 – Section 2 amended, the definition of "charitable institution" deleted and replaced –w.e.f 5 August 2021.

*charitable institution" means an institution approved by the Director-General the objects of which*

*(a) are of a public character;*

*(b) do not yield any profits to its members; and*

*(c) are exclusively -*

*(i) the advancement of religion;*

*(ii) the advancement of education;*

*(iii) the relief of poverty, sickness and disability;*

*(iv) the protection of the environment;*

*(v) the advancement of human rights and fundamental freedoms;*

*(vi) the promotion of any other public object beneficial to the community;*

*(d) are to be carried out in Mauritius or elsewhere;*

FA 2006 – Definition amended by deleting the words "approved by the Minister" and replacing them by the words "approved by the Director-General" w.e.f 01.07.06.
ITA 1995 :-
*"**charitable institution**" means an institution approved by the Minister the objects of which -*

[46] The words "Trusts Act 2001" replaced "Trusts Act 1989" by the Trusts Act 2001. Effective as from 1.12.2001 - Proclamation No. 22 of 2001.

[47] FA 2006 – Definition amended by deleting the words "sections 41 and 42" and replacing them by the words "section 27"w.e.f 01.07.06.
ITA 1995 :-
*"**child**", in sections 41 and 42(2) , means -*
Inserted by FA 2003. Effective as from income year 2003-2004.

[48] Inserted by FA 2003. Effective as from income year 2003-2004.

[49] FA 2023 – new definition inserted, w.e.f 20 July 2023.

[50] The Securities Act 2005 - The definitions of **"CIS manager**" added w.e.f 28.09.07.

[51] The Securities Act 2005 - The definitions of **"collective investment scheme"** added w.e.f 28.09.07.

[52] Definition deleted by MRA Act 2004, w.e.f 01.07.06 ( Proclamation No. 10 of 2006)
ITA 1995 :-
*"**Commissioner**" means the Commissioner of Income Tax;*

[53] Definition deleted by MRA Act 2004, w.e.f 01.07.06 ( Proclamation No. 10 of 2006)
Inserted by FA 2001.
"**Committee**" means the Assessment Review Committee set up under section 8E of the Unified Revenue Act 1983;

[54] **THE VARIABLE CAPITAL COMPANIES ACT 2022** – the definition of "company" deleted and replaced – shall come into operation by a date fiexed by Proclamation.

Previously was:

*(a) means a body corporate, other than a local authority, incorporated in Mauritius or elsewhere; and*

*(b) includes a non-resident société, a cell of a protected cell company, a foundation, a trust or a trustee of a unit trust scheme; but*

*(c) does not include a Land Area Management Unit;*

THE FOUNDATIONS ACT 2012 - The definition of company amended , the words "a Foundation," inserted after the words "protected cell company," w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

FA 2011 – The definition of "company" amended, by inserting in paragraph (b), after the words "societé," the words "a cell of a protected cell company,"- shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

[55] FA 2006 – Definition deleted w.e.f 01.07.06.
Inserted by FA 1997.
*"**CPS period**" means a period of 6 months ending 31 December;*

[56] FA 2006 – Definition added w.e.f 01.07.06.
Deleted by FA 1997. Previously ITA 1995 as amended -
**"CPS quarter"** means the quarter specified in section 106;

[57] FA 2011 - Definition of "CPS threshold" deleted - shall come into operation on 1 January 2012.

FA 2006 – Definition amended by deleting the words "Sixth Schedule" and replacing them by the words "Fourth Schedule" w.e.f 01.07.06.
*"**CPS threshold**" means the threshold specified in the ForthSchedule;*

ITA 1995:-
*"**CPS threshold**" means the threshold specified in the Sixth Schedule;*

[58] FA 2021- New definition inserted w.e.f 05 August 2021.

[59] FA 2015 - New definition inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

[60] FA 2006 – Definition deleted w.e.f 01.07.06.
"**dependent child**" means a child in respect of whom a deduction is allowable under section 41;
The words "section 41" replaced "section 42" by FA 1997.

[61] FA 2006 – Definition deleted w.e.f 01.07.06.
ITA 1995:-
*"**dependent spouse**" means a person in respect of whom a deduction is allowable under section 39;*
The words "section 39" replaced "section 40" by FA 1997.

[62] Definition added by MRA Act 2004, w.e.f 01.07.06 ( Proclamation No. 10 of 2006)

[63] Inserted by FA 1999. Effective as from income year 1999-00.

[64] Amended by FA 2001. Effective as from income year 2001-02. Previously ITA 1995 as amended - **"dividends"** includes a distribution under section 45(3);

[65] FA 2016 - The definition of "dividends" amended , in paragraph (b), by deleting the words "49A(3)" and replacing them by the words "49A(4)" w.e.f. 7 September 2016.

THE FOUNDATIONS ACT 2012 - The definition of "dividends" amended , in paragraph (b), by deleting the words "and 46(4)" and replacing them by the words ",46(4) and 49A(3)" w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

FA 2011 - The definition of "dividends" amended , in paragraph (b), by deleting the words "and 45A(4)" and replacing them by the words ",45A(4) and 46(4)" w.e.f. 15 December 2011.

FA 2009 - The definition of "dividends" amended , in paragraph (b), by deleting the words "section 45(3)" and replacing them by the words "sections 45(3) and 45A(4)" w.e.f. 30 July 2009.

[66] Amended by FA 2004. Effective as from 26 August 2004. Previously was:
(c) does not include a benefit referred to in section 86A;

[67] FA 2007 – Definition repealed (shall be deemed to have come into operation on 1 July 2007 in respect of the income year commencing 1 July 2007 and in respect of every subsequent income year).

*"**earned income**", in relation to an individual, means the amount remaining after deducting the allowable deductions from the gross income derived from -*
*(a) emoluments; or*

*(b) any business other than rents, interest or dividends, unless the rents or interest are derived by the individual in the ordinary course of his business;*

[68] Economic Development Board Act 2017 – The definition of " Economic Development Board" inserted w.e.f 07 August 2017. FA 2022 – new definition added, w.e.f 02 August 2022.

[69] Inserted by FA 2003. Deemed effective as from 8 October 2002.

[70] Deleted by FA 1999. Effective as from income year 1999-00. Previously ITA 1995 as amended - "employees' share participation scheme" means an employees' share participation fund or scheme approved by the Minister;.

[71] Inserted by FA 1999. Effective as from income year 1999-00. Amended by FA 2004, the words "and approved by the Commissioner" deleted and replaced by the words "under the Companies Act 2001". Effective as from 1 July 2004.

[72] The Securities Act 2005 - The definitions of "equity fund" deleted w.e.f 28.09.07.
**"equity fund"** means an equity fund approved by the Financial Services Commission established under the Financial Services Development Act 2001;
Inserted by FA 2002. Effective as from year of assessment 2002-03.

[73] FA 2023 – Paragraph (a) amended, by deleting the words "one thirteenth of the Category A Income Exemption Threshold specified in the Third Schedule" and replacing them by the words "30,000 rupees", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2015 - The definition of "exempt person" deleted and replaced shall come into operation on 1 July 2015.

*"**exempt person**" means an employee whose emoluments do not exceed 20,800 rupees per month;*

FA 2011- The definition of "exempt person" deleted and replaced - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

FA 2010 – The words "18,500 rupees" deleted and replaced by the words "19,700 rupees" shall come into operation on 1 January 2011.

(a) an employee whose emoluments do not exceed 19,700 rupees per month; and

(b) an individual who derives gross income falling under Sub-Part B of Part VIII which does not exceed the CPS threshold and whose tax liability for the CPS quarter in respect of that gross income is of an amount specified in the Fourth Schedule;

FA 2008 – The words "16,500 rupees" deleted and replaced by the words "18,500 rupees", shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

FA 2006 – Definition deleted and replaced w.e.f 01.07.06.
Definition deleted and replaced by MRA Act 2004 .
*"**exempt person**" means –*
*(a) an employee whose emoluments do not exceed the amount specified in the Fourth Schedule;*

*(b) a field worker or a non-agricultural worker employed in the sugar industry whose emoluments do not exceed the amount specified in the Fourth Schedule; or*
*(c) a household employee;*
ITA 1995:-
*"**exempt person**" means -*

*(a) an employee whose emoluments do not exceed the amount specified in Part I of the Fourth Schedule;*
*(b) a field worker or a non-agricultural worker employed in the sugar industry whose emoluments do not exceed the amount specified in Part I of the Fourth Schedule;*
*(c) a household employee; or*

*(d) an individual who derives gross income falling under Sub-Part B of Part VIII which does not exceed the CPS threshold and whose tax liability for the CPS period in respect of that gross income is of an amount specified in Part II of the Fourth Schedule;*

[74] FA 2023 – Definition amended, w.e.f 20 July 2023.

Previously was:

***"export of goods"*** *includes international buying and selling of goods by an entity in its own name, whereby the shipment of such goods is made directly by the shipper in the original exporting country to the final importer in the importing country, without the goods being physically landed in Mauritius;*

FA 2018 - New definition inserted shall come into operation on 1 January 2019.

[75] FA 2018 - The definition of "foreign source income" deleted and replaced shall come into operation on 1 January 2019.

Formerly
***"foreign source income"***

*(a) means income which is not derived from Mauritius; and*

*(b) includes –*

*(i) in the case of a corporation holding a Category 1 Global Business Licence under the Financial Services Act, income derived from its transactions with non-residents or corporations holding a Global Business Licence under the Financial Services Act ; and*

*(ii) in the case of a bank holding a banking licence under the Banking Act, income derived from its banking transactions with –*

*(A) non-residents; or*

*(B) corporations holding a Global Business Licence under the Financial Services Act;*

FA 2010 –New definitions inserted – shall come into operation on 1 January 2011.

[76] FA 2015 - The definition of "foreign tax" deleted and replaced w.e.f. 14 May 2015.

***"foreign tax"*** *means a tax, of a similar character to income tax, imposed by the laws of a foreign country;*

[77] FA 2006 – Definition amended w.e.f 01.07.06.
ITA 1995:-
***"foreign vessel"****, in relation to item 8 of Part I and item 12 of Part II of the Second Schedule, means a ship registered in Mauritius and owned by -*

[78] THE FOUNDATIONS ACT 2012 - New Definition added w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

[79] FA 2011 - Definition deleted shall be deemed to have come into operation on 5 November 2011.

**"gains"**, in relation to gains from the sale or transfer of immovable property, means the gains referred to in section 10A;

[80] FA 2022 – Definition added – shall come into operation on a date to be fixed by Proclamation.

[81] FA 2008- Definition added, shall be deemed to have come into operation on 1 July 2008.

[82] FA 2006 – Definition deleted w.e.f 01.07.06.

Amended by FA 1998. Effective as from income year 1998-99.
***"handicapped"*** *means a person who is physically or mentally handicapped in a permanent capacity;*
Previously ITA 1995 as amended -
"handicapped" means -
(a) in relation to a taxpayer or his dependent spouse, a person suffering from permanent disablement;
(b) in relation to a child, a child who is physically or mentally handicapped in a permanent capacity;

[83] FA 2006 – Definition deleted w.e.f 01.07.06.
ITA 1995:-
***"health institution"*** *has the same meaning as in the Private Health Institutions Act 1989;*

[84] Inserted by FA 2001.

[85] Inserted by FA 2002. Effective as from year of assessment 2002-03.

[86] FA 2017- New Definition added w.e.f 24 July 2017.

[87] FA 2010 – Subparagraph (i) repealed, shall be deemed to have come into operation as from the year of assessment 2011.
(i) the national residential property tax imposed by Sub-Part BB of Part VIII, for the purposes of that Sub-Part, Parts IX, X and XI;

FA 2006 – Definition deleted and replaced w.e.f 01.07.06.
ITA 1995:-
***"income tax"*** -
*(a) means the income tax imposed by section 4; and*
*(b) includes any penalty imposed under this Act; but*
*(c) does not include any fine;*

[88] FA 2010 – Subparagraph (i) repealed, shall be deemed to have come into operation as from the year of assessment 2011.

(i) the national residential property tax imposed by Sub-Part BB of Part VIII, for the purposes of that Sub-Part, Parts IX, X and XI;

[89] FA 2023 – The definition of "income tax", in paragraph (b)(ii) amended the words "Sub-part AB of Part III, or" deleted shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2017- The definition of "income tax", in paragraph (b)(ii) amended the words "Sub-Part AB of Part III, or" inserted after the word "by" - w.e.f 24 July 2017.

FA 2009 - Subparagraph (ii) amended, by inserting, after the words "Sub-Part AB", the words "or Sub-Part AC" w.e.f. 30 July 2009.

FA 2007 – Definition of "income tax" amended, in paragraph (b), by inserting immediately after subparagraph (i), the following new subparagraph (ii), the existing subparagraph (ii) being renumbered (iii) accordingly – shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

[90] FA 2011 – Subparagraph (iia) amended, the words "on book profit" deleted - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

FA 2009 - Paragraph (b) amended by inserting, after subparagraph (ii), the new subparagraph (iia) - w.e.f. 30 July 2009.

(iia) the CSR charge on book profit under Sub-Part AD of Part IV

[91] FA 2011 – Subparagraph (iic) deleted - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

FA 2010 – Paragraph (b) amended by inserting, after subparagraph (iia), the new subparagraphs (iib) and (iic) - shall come into operation on 1 January 2011.

(iib) the one-off charge on turnover and book profit under section 50M;

(iic) the solidarity income tax referred to in Sub-Part AA of Part III;

[92] FA 2019 – Definition of "income tax" amended, in paragraph (b), by inserting, after subparagraph (iib), the following new subparagraph (iic), shall be deemed to have come into operation on 1 July 2019.

[93] FA 2024 – Definition of "income tax" amended, in paragraph (b), by inserting, after subparagraph (b)(iic), the new paragraph (iid), shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

[94] The words "containing not less than 6 bedrooms for the accommodation of guests for reward" deleted by FA 2001. Effective as from income year 2000-01.

[95] FA 2006 – Paragraph (d), (e) and (f) deleted and replaced w.e.f 01.07.06.
ITA 1995:-

*(d) for the welfare of workers employed in a trade, undertaking or hotel specified in paragraph (a), (b) or (c), respectively, but does not include -*

*(i) any building or structure in use as, or part of, a dwelling house, retail shop, showroom or office, or used for any purpose ancillary to the purposes of a dwelling house, retail shop, showroom or office; or*

*(ii) any land, tree, plant, garden or earthworks;*

*(e) for the provision of education or training;*

*(f) for the purposes of operating an aerodrome;*

Paragraph (e) added by FA 1997.
Paragraph (f) added by FA 2001. Effective as from income year 2000-01

[96] FA 2009 - The definitions of "inter-crop season" repealed w.e.f. 30 July 2009.
"**inter-crop season**" has the same meaning as in section 26 of the Labour Act;

[97] The Limited Liability Partnerships Act 2016 - New definition inserted w.e.f 3 January 2017- Proclamation No. 60 of 2016.

[98] The Limited Partnership Act 2011(Act No.28 of 2011) – New definition inserted w.e.f. 15 December 2011.

[99] The Securities Act 2005 - The definitions of "**listed company**" deleted and replaced w.e.f 28.09.07.
*"**listed company**" has the meaning assigned to it in section 48;*

[100] FA 2020 – Paragraph (b) repealed and replaced – shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

Previously was:

(*b*) *includes the assembly of parts into a piece of machinery or equipment or other product;*

[101] FA 2024 – definition of "manufacture" amended, by deleting the words "of waste" and replacing them by the word "activities" shall come into operation in respect of the year of assessment commencing on 01 July 2025 and in respect of every subsequent year of assessment.

[102] Amended by FA 1999. Effective as from income year 1999-00. Previously ITA 1995 as amended-
**"manufacturing company"** -
(a) means a company which derives at least 75 per cent of its gross income from manufacturing activities; but
(b) does not include a company engaged in the manufacture of excisable goods under the Excise Act 1994;

[103] FA 2006 – Definition deleted w.e.f 01.07.06.
ITA 1995:-
*"**miller**", for the purposes of -*

*(a) items 5, 6 and 7 of Part IV of the Second Schedule, means any person or group of persons operating a factory and includes any person acting as manager for that person or group of persons; and*

*(b) section 59(3), means any person or group of persons, other than an individual, operating a sugar factory;*

[104] FA 2022 – new definition added - shall come into operation on a date to be fixed by Proclamation.

[105] FA 2021- Section 2 amended, new definition inserted w.e.f 05 August 2021.

[106] FA 2022 – new definition added, w.e.f 02 August 2022.

[107] FA 2017- New Definition added w.e.f 24 July 2017.

[108] FA 2006 – Paragraph (a) amended w.e.f 01.07.06.

FA 2005- Effective as from assessment year 2006-07
(a) for the purposes of sections 6(4)(b), 161A(1)(g) and paragraph (iv) of item 14 of Part II, and items 5 and 6 of Part III, of the Second Schedule, and the Income Tax (Foreign Tax Credit) Regulations 1996 in so far as they apply to a bank holding a banking licence under the Banking Act 2004 -

Amended by FA 2005. Effective as from assessment year 2006-07. Previously ITA 1995 as amended – "**non-resident**" means a person who is not resident in Mauritius;

[109] Definition deleted and replaced by MRA Act 2004 –
ITA 1995:-
"**officer**" means a public officer posted to the Income Tax Department;

[110] The Securities Act 2005 - The definitions of "**Official List**" deleted w.e.f 28.09.07.
*"**Official List**" has the same meaning as in the Stock Exchange Act 1988;*

[111] FA 2006 – Definition amended w.e.f 01.07.06.

ITA 1995:-
*"**other income earning activity**" means any activity from which income of a kind specified under section 10(1)(c), (d) or 10(2) is derived;*

[112] FA 2006 – Definition deleted w.e.f 01.07.06.

ITA 1995:-
"**personal reliefs and deductions**" means the personal reliefs and deductions specified in Sub-Part C of Part III;

[113] FA 2006 – Paragraph (a) amended w.e.f 01.07.06.
ITA 1995:-
*(a) items 4, 10, 18 and 19(1) of Part IV of the Second Schedule, means any person or group of persons growing sugar cane in one or more factory areas and includes any person acting as manager for that person or group of persons; and*

[114] FA 2022 – new definition added, w.e.f 02 August 2022.

[115] FA 2011 – New definition inserted , shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

[116] FA 2022 – new definition added - shall come into operation on a date to be fixed by Proclamation.

[117] FA 2018 - New definition inserted w.e.f 9 August 2018.

[118] FA 2013 –The definition of "registered owner" amended, the words "8 and 9 of Part I" deleted and replaced by the words "9 and 10 of Sub-Part C of Part II" - w.e.f 21 December 2013.

[119] FA 2019 – New definition inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[120] Amended by FA 2003. Effective as from Year of Assessment 2003/2004. Previously ITA 1995 as amended - "related company" means a company which is under the control of the person.

[121] FA 2015 - New definition inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

[122] FA 2006 – Definition added w.e.f 01.07.06.

[123] FA 2006 – Definition deleted w.e.f 01.07.06.
ITA 1995:-
***"seaman"** in relation to item 12 of Part II of the Second Schedule, means a seaman who is employed on a vessel registered in Mauritius or a foreign vessel;*

[124] FA 2024 – the definition of "securities" deleted and replaced w.e.f 01 July 2024.
*"securities" in item 7 of Sub-Part C of Part II of the Second Schedule, has the same meaning as in the Securities Act 2005 but does not include Treasury Bills, Bank of Mauritius Bills, virtual assets and virtual tokens;*

*The Virtual Asset and Initial Token Offering Services Act 2021 - the definition of "securities", in paragraph (b), amended by deleting the words "Treasury Bills and Bank of Mauritius Bills" and replacing them by the words "Treasury Bills, Bank of Mauritius Bills, virtual assets and virtual tokens, shall come into operation on a date fixed by Proclamation.*

The Securities Act 2005 - The definitions of **"securities**" deleted and replaced w.e.f 28.09.07.
***"securities**" in item 7 of Sub-Part C of Part II of the Second Schedule has the same meaning as in the Securities Act 2005 but does not include Treasury Bills;*

[125] The Securities Act 2005 - The definitions of **"share**" deleted and replaced w.e.f 28.09.07.
***"share"** in relation to a company, includes an interest in the capital of the company;*

[126] SME Act 2017- New definition inserted w.e.f 18 January 2018.
[127] FA 2021- New definition inserted –w.e.f 05 August 2021.

[128] The Limited Partnership Act 2011(Act No.28 of 2011) – Paragraph (b) of the definition of "*societe"* amended a new subparagraph (iA) inserted after subparagraph (i) , w.e.f. 15 December 2011.

[129] The Limited Liability Partnerships Act 2016 - The the definition of "société" amended new subparagraph (iB) inserted after subparagraph (iA) w.e.f 3 January 2017- Proclamation No. 60 of 2016.

130 FA 2012 – New definitions inserted – shall come into operation on 1 January 2013

131 FA 2017- New Definition added w.e.f 24 July 2017.

132 FA 2020 – Definition deleted w.e.f 7 August 2020.
**"solidarity levy"** means the solidarity levy imposed under the Value Added Tax Act;

FA 2006 – Definition added w.e.f 01.07.06.

133 FA 2006 – Definition deleted w.e.f 01.07.06.
Inserted by FA 2000. Effective as from year of assessment 2001-02.
***"start-up company"*** *shall be construed in accordance with section 67E;*

134 The Securities Act 2005 - The definitions of ***"Stock Exchange"*** deleted and replaced w.e.f 28.09.07.
***"Stock Exchange"*** *means the Stock Exchange established by the Stock Exchange Act 1988;*

135 THE VARIABLE CAPITAL COMPANIES ACT 2022 – new definition inserted, shall come into operation on a date to be fixed by Proclamation.

136 THE VARIABLE CAPITAL COMPANIES ACT 2022 – new definition inserted, shall come into operation on a date to be fixed by Proclamation.

137 FA 2013 –Both definitions of "superannuation fund" deleted and replaced - shall be deemed to have come into operation on 1 November 2012.

*"superannuation fund" –*

*(a) means a fund or scheme which is set up for the benefit of the employees of an employer and is licensed or authorised under the Private Pension Schemes Act 2012; and*

*(b) includes such other fund or scheme as may be prescribed;*

FA 2012 – The definition of "superannuation fund" deleted and replaced shall be deemed to have come into operation on 1 November 2012

"**superannuation fund**" means a fund or scheme established for the benefit of the employees of an employer and which is licensed or authorized under the Private Pension Schemes Act 2012;

The Private Pension Schemes Act - The Income Tax Act is amended, in section 2, in the definition of "superannuation fund", by deleting the words "approved by the Director-General" and replacing them by the words "which is licensed or authorized under the Private Pension Schemes Act 2012"

138 Definition added by MRA Act 2004.

139 FA 2009 – The definitions of "tax incentive companies" repealed w.e.f. 30 July 2009.
"**tax incentive companies**" means companies of a type listed in Part IV of the First Schedule

140 FA 2022 – new definition added - shall come into operation on a date to be fixed by Proclamation.

141 Deleted by FA 2001. Previously ITA 1995 as amended -
"**Tribunal**" means the Tax Appeal Tribunal established under the Tax Appeal Tribunal Act 1984;

142 Amended by the Trusts Act 2001. Effective as from 1.12.2001 - Proclamation No. 22 of 2001. Previously ITA 1995 as amended -
"**trust**" means any trust constituted under the laws of Mauritius;

143 The Securities Act 2005 - The definitions of "**trustee**" deleted and replaced w.e.f 28.09.07.

"**trustee**", in relation to a unit trust scheme, has the meaning assigned to it in the Unit Trust Act 1989;

144 The Securities Act 2005 - The definitions of "**unit**" deleted and replaced w.e.f 28.09.07.
*"**unit**", in relation to unit trust scheme, has the same meaning as in[(2)] the Unit Trust Act 1989;*

145 The Securities Act 2005 - The definitions of "**unitholder**" deleted and replaced w.e.f 28.09.07.
*"**unitholder**" has the same meaning as in [(1)] the Unit Trust Act 1989;*

(1) The word "in" inserted by FA 1997.

146 The Securities Act 2005 - The definitions of "**Unit Trust Fund**" deleted and replaced w.e.f 28.09.07.
"**Unit Trust Fund**" has the same meaning as in the Unit Trust Act 1989;

147 The Securities Act 2005 - The definitions of "**unit trust scheme**"deleted and replaced w.e.f 28.09.07.
"**unit trust scheme**" has the same meaning as in the Unit Trust Act 1989;

148 The Virtual Asset and Initial Token Offering Services Act 2021 – new definition added, shall come into operation on a date fixed by Proclamation.

149 The Virtual Asset and Initial Token Offering Services Act 2021 – new definition added, shall come into operation on a date fixed by Proclamation.

150 FA 2015 - The definition of "year" amended by deleting the words "1 January" and replacing them by the words "1 July" shall come into operation on 1 July 2015.

FA 2009 - The definition of "year" amended by deleting the words "1 July" and replacing them by the words "1 January" w.e.f. 30 July 2009.

151 FA 2006 – Section 4 deleted and replaced in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year and in so far as it relates to companies shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

***4. Imposition of tax***

*Subject to the other provisions of this Act, income tax shall, in and for every year -*

*(a) be paid to the Commissioner by every person on all income, other than exempt income, derived by him during the preceding year; and*

*(b) be calculated on the chargeable income of the person at the appropriate rate specified in the First Schedule.*

152 FA 2018 - The existing provision renumbered as subsection (1)- shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

153 FA 2018 - Paragraph (b) repealed and replaced - shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

*(b) be calculated on the chargeable income of the person, other than the person referred to in section 44B, at the rate specified in Part I of the First Schedule.*

FA 2017- Section 4(b) amended, the words "at the rate specified in the First Schedule" deleted and replaced by the words ", other than the person referred to in section 44B, at the rate specified in Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

FA 2007 Section 4(b) amended, by deleting the words *"the appropriate rate specified in Part I and Part II of the First Schedule"* and replacing them by the words *"the rate specified in the First Schedule"*; in relation to individuals shall be deemed to have come into operation on 1 July 2007 in respect of the

income year commencing 1 July 2007 and in respect of every subsequent income year and in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

(b) *be calculated on the chargeable income of the person at the appropriate rate specified in Part I and Part II of the First Schedule.*

154 FA 2018 - New subsection (2) added - shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

155 FA 2022 - New subsection (4) added, w.e.f 02 August 2022.

156 The Financial Commission Crimes Act 2023, section 4A repealed and replaced, w.e.f 29 March 2024 (by proclamation).

Previously was

*(1) Notwithstanding section 154, where the Director-General has reasonable ground to suspect that a person has acquired unexplained wealth of 10 million rupees or more, he shall, in accordance with section 9 of the Good Governance and Integrity Reporting Act 2015, make a written report to the Agency specifying the full name and address of the person and the sum of the unexplained wealth.*

*(2) Notwithstanding section 4, where a report is made under subsection (1), the sum specified in the report shall, subject to this section, not be liable to income tax.*

*(3) Where the Integrity Reporting Board does not direct the Agency to institute action for the confiscation of the sum specified in subsection (1), wholly or partly, the Agency shall inform the Director-General, who shall as soon as is reasonably practicable, in respect of any sum specified in the report and which is not subject to confiscation, issue, notwithstanding section 123A, an assessment in respect of that sum.*

*(4) In this section –*

*"**Agency**" means the Integrity Reporting Services Agency established under section 4 of the Good Governance and Integrity Reporting Act 2015;*

*"**Integrity Reporting Board**" means the Integrity Reporting Board referred to in section 7 of the Good Governance and Integrity Reporting Act 2015.*

FA 2016 - New section 4A inserted after section 4 w.e.f. 7 September 2016.

FA 2017- Subsection (1) amended the words "section 4" deleted and replaced by the words "section 154" w.e.f 24 July 2017.

FA 2017- Subsection (2) amended the words "Where" deleted and replaced by the words "Notwithstanding section 4, where" w.e.f 24 July 2017.

157 FA 2007 - Section 5(3) amended, by deleting the words *"Earned income derived from outside Mauritius shall be deemed to be derived by a person when –"* and replacing them by the words *"Income derived by an individual from outside Mauritius shall be deemed to be derived by the individual when –" in relation to individuals shall be deemed to have come into operation on 1 July 2007 in respect of the income year commencing 1 July 2007 and in respect of every subsequent income year.*
ITA 1995:-

*(3) Earned income derived from outside Mauritius shall be deemed to be derived by a person when -*

158 FA 2009 – Subsection (1) amended by inserting after the word "shall", the words ", subject to subsection (5)," w.e.f. 30 July 2009.

159 The words "official exchange rate" replaced by "exchange rate" by FA 2003. Effective as from Year of Assessment 2003/2004.

160 FA 2018 - Section 6 (4)(a) and (5) amended , the words "Category 1" deleted - shall come into operation on 1 January 2019;

FA 2009 –Subsection (4) repealed and replaced - w.e.f. 30 July 2009.

Subsection (4) amended by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001.

*(4) Notwithstanding the other provisions of this section, the net income of-*

*(a) a corporation holding a Category 1 Global Business Licence under the Financial Services Act 2007; or*

*(b) a bank holding a banking licence under the Banking Act 2004 in respect of its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act 2007,*

*shall be converted into Mauritius currency at the exchange rate in force at the date on which the return of income is submitted to the Director-General.*

Previously FA 2000 - year of assessment 2000-01.

(4) *Notwithstanding the other provisions of this section, the net income of a corporation certified to be engaged in an international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Authority Act 1992 or by a company holding an Offshore Banking Licence under the Banking Act 1988 shall be converted into Mauritius currency at the official exchange rate in force at the date of the annual balance of the accounts of the corporation or offshore bank, as the case may be.*

Subsection (4) repealed and replaced by Banking Act 2004. Effective date 10 November 2004 – Proclamation 39 of 2004. Previously Financial Services Development Act 2001. Proclamation No. 8 of 2001. Effective date 1 August 2001.

(4) *Notwithstanding the other provisions of this section, the net income of a corporation holding a Category 1 Global Business Licence under the Financial Services Development Act 2001 or a bank holding a Category 2 Banking Licence[(i)] under the Banking Act 1988 shall be converted into Mauritius currency at the exchange rate in force at the date on which the return of income is submitted to the Commissioner.[(ii)]*

*(i) The words "Category 2 Banking Licence" replaced "Class B Banking Licence" by FA 2002.*

*(ii) The words "at the official exchange rate in force at the date of the annual balance of the accounts of the corporation or bank, as the case may be." replaced by "at the exchange rate in force at the date on which the return of income is submitted to the Commissioner" by FA 2003. Effective as from year of assessment 2003/2004.*

161 FA 2009 –Subsection (5) added, shall be deemed to have come into operation on 1 July 2009.

162 FA 2011 – Section 6(5) amended: the words ", or any other company with the approval of the Registrar of Companies," inserted, after the words "Financial Services Act"; and the words "Euros or GB pound sterling" deleted and replaced 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" – w.e.f. 15 December 2011.

163 FA 2006 – Section 7 deleted and replaced shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

***7. Exempt income***

*(1) The income specified in the Second Schedule shall be exempt from income tax.*

*(2) Except as otherwise provided for in this Act, nothing in this section shall exempt from taxation in the hands of a recipient any sum paid, by way of emoluments, dividends, interest or otherwise, wholly or partly out of income so exempt from taxation.*

164 FA 2023 – Section 7(2) amended, by deleting the words "Subject to section 16C, any" and replacing them by the word "Any" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2020 – Section 7(2) amended, the word "Any" deleted and replaced by the words "Subject to section 16C, any" w.e.f 7 August 2020.

165 FA 2006 – Section 10 repealed and replaced shall be deemed to have come into operation on 1 July 2006.

166 FA 2011 – Paragraph (f), repealed and replaced shall be deemed to have come into operation on 5 November 2011.

FA 2010 – New paragraph (f) inserted, the existing paragraph (f) being relettered (g) accordingly –shall come into operation on 1 January 2011.

*(f) any gross income, in money or money's worth, derived from the sale or transfer of immovable property or interest in immovable property, other than gross income derived from the sale of immovable property in the course of any business falling under paragraph (b); and*

167 ITA 1995:-

***10. Income included in gross income***

*(1) Subject to the other provisions of this Act, the gross income of an individual shall include -*

*(a) any advantage in money or in money's worth which is -*

*(i) salary, wages, leave pay, fee, overtime pay, perquisite, allowance, bonus, gratuity, commission or other reward or remuneration in respect of or in relation to the office or employment of that individual, other than passages, by sea, air or land between Mauritius and another country, provided under the contract of employment;*

*(ii) superannuation, compensation for loss of office, pension (including a pension in respect of which a deduction is allowed under section 23 or 62, as the case may be), retiring allowance, annuity or other reward in respect of or in relation to past employment or loss or reduction of future income of that individual, whether receivable by that individual or by any person who is or has been the spouse or dependant of that individual;*

*(b) any gross income derived from any business;*

*(c) any rent, royalty, premium or other income derived from property;*

*(d) any dividend, interest, charges, annuity or pension (other than a pension referred to in paragraph (a)(ii)); and*

*(e) any other income derived from any other source.*

*(2) For the purposes of subsection (1)(b), the gross income derived from a business shall include -*

*(a) any sum or benefit, in money or money's worth, derived from the carrying on or carrying out of any undertaking or scheme entered into or devised for the purpose of making a profit, irrespective of the time at which the undertaking or scheme was entered into or devised;*

*(b) any sum or benefit derived from the extraction, removal or sale of any mineral, tree or wood;*

*(c) any sum or benefit, in money or money's worth, derived from the sale of any immovable property or interest in immovable property, where the property was acquired in the course of a business the main purpose of which is the acquisition and sale of immovable property;*

*(d) any increase in the value of trading stock on hand at the time of transfer by sale or otherwise of a business or on the reconstruction of a company; and*

*(e) any subsidy derived in the carrying on of a business.*

[168] FA 2019 – Section 10(3) amended, new paragragh (f) added, shall be deemed to have come into operation on 1 July 2019.

[169] FA 2011 –Section 10A repealed, shall be deemed to have come into operation on 5 November 2011.

FA 2010 – New section " 10A.Gains from immovable property" inserted - shall come into operation on 1 January 2011.

**10A. Gains from immovable property**

(1) Every person who derives gains from the sale or transfer of immovable property or interest in immovable property in an income year shall pay a tax on those gains to the Director-General.

(2) The tax on the gains shall be payable at the time the return of income is submitted under section 112, 116 or 119.

(3) Notwithstanding the other provisions of this Act, the gains shall be computed, for the purposes of this section, by deducting from the proceeds of the sale or transfer of the immovable property –

(a) the cost of its acquisition and any registration duty paid thereon;

(b) any capital expenditure incurred thereon;

(c) any land transfer tax paid under the Land (Duties and Taxes) Act on its sale or transfer; and

(d) any cost incurred in connection with its sale or transfer.

(4) Where an immovable property was acquired before 1 January 1988, the original cost of its acquisition shall be increased by reference to the year in which the immovable property was acquired, in accordance with the following Table and the increased amount shall be deemed to be the cost of acquisition of the immovable property –

| **Table** | |
|---|---|
| **Year of acquisition of immovable property** | **Original cost of immovable property increased by a multiplying factor -** |
| Up to 1963 | 7.5 |
| 1964 to 1968 | 7.0 |
| 1969 to 1973 | 6.0 |
| 1974 to 1978 | 3.0 |
| 1979 to 1983 | 1.5 |
| 1984 to 1987 | 1.1 |

(5) Where an immovable property was acquired before 1 January 1988 and a building was constructed thereon after the acquisition but before 1988, the original cost of the building shall be increased by reference to the year in which the building was constructed, in accordance

with the Table referred to in subsection (4), and the increased amount shall be deemed to be the capital expenditure incurred thereon.

(6) Where land is acquired and is sold or transferred after having been developed in the course of a business, the difference between its value as at the date the authority for morcellement or for building and land use was given, as the case may be, and its original cost as adjusted under subsection (4) shall be deemed to be gains derived from the sale or transfer of the land under subsection (1).

(7) Where a person who, as part of the schemes referred to in sections 11(2)(b) and (3)(b) and 29(1)(c)(ii), (d) or (f) of the Sugar Industry Efficiency Act, sells immovable property for the purpose of recouping costs incurred in the implementation of those schemes, such costs shall be allowed as allowable deduction from the total of the gains under this section and the income from the sale or transfer of that immovable property.

(8) Where land or other immovable property is acquired –

(a) by inheritance or legacy;

(b) by a specified entity pursuant to section 11(2), (2A) , (3) and (13), or by a person pursuant to section 11(11), of the Sugar Industry Efficiency Act; or

(c) otherwise,

and the cost of its acquisition is not known or is at a nominal price, and the immovable property is thereafter sold or transferred, the proceeds from the sale or transfer shall be discounted by reference to the year in which the immovable property was acquired, in accordance with the following Table and the discounted amount shall be deemed to be the cost of its acquisition –

| **Table** | |
|---|---|
| **Year of acquisition of immovable property** | **Discounting the proceeds from sale or transfer of immovable property by a multiple of -** |
| 2004 to 2010 | 0.85 |
| 1999 to 2003 | 0.60 |
| 1994 to 1998 | 0.45 |
| 1989 to 1993 | 0.30 |
| Up to 1988 | 0.25 |

(9) (a) Subject to paragraph (d), where shares in a company which owns immovable property are transferred –

(i) resulting in a change of control of that company; or

(ii) resulting in any increase in the shareholding of the controlling shareholder within a period of 12 months from the date of change of control,

the gains derived from the transfer of those shares shall be subject to tax under this section by using the following formula –

$$\frac{\text{number of shares transferred}}{\text{total number of shares issued}} \times \text{gains}$$

(b) For the purpose of this section –

(i) the value of the immovable property at the time of transfer of the shares shall be deemed to be the value disclosed in the statement of financial position of the company immediately preceding the transfer; and

(ii) the cost of acquisition of the immovable property and the computation of the gains shall be determined in accordance with the provisions of this section.

(c) Where the Director-General is dissatisfied with the value of the immovable property disclosed in the statement of financial position, he shall determine the value of the immovable property and make an assessment accordingly.

(d) Paragraph (a) shall apply where the value of immovable properties forming part of the assets of the company exceeds 95 per cent of its total assets.

(10) Notwithstanding section 47(1), where an immovable property is registered in the name of a société and the property is thereafter sold or transferred, the tax on the gains derived therefrom shall be payable by the société under this section, provided that the société is engaged in property business.

(11) Where an immovable property is registered in the name of a trust and the property is thereafter sold or transferred, the trustee of the trust shall be liable to pay the tax on the gains derived therefrom under this section.

(12) Where an immovable property is owned by 2 or more persons and the property is thereafter sold or transferred, the tax on the gains shall be payable by the co-owners on their share in the property.

(13) (a) Where an immovable property is in the name of a minor and the property is thereafter sold or transferred, the legal administrator of the minor shall be liable to pay the tax on any gains derived therefrom under this section.

(b) Where there is no legal administrator, the legal guardian of the minor shall be liable to pay the tax on any gains derived therefrom under this section.

(14) Subject to subsection (7), any loss incurred in an income year under this section –

(a) shall not be allowed as an allowable deduction under this Act; and

(b) shall not be carried forward and set off against future gains or profits.

(15) The gains chargeable under subsection (1) in an income year shall be reduced by the amount of the gains or 2 million rupees, whichever is the lesser, in respect of an individual or co-owner who is an individual.

[170] FA 2006 – Subsection (3) amended w.e.f 01.07.06.
ITA 1995:-
*(3) In this section "trading stock" includes any other property which, as and when realised, produces income for the person under section 10(2)(c).*

[171] FA 2016 -New Section 16A inserted after Section 16 w.e.f. 7 September 2016.

[172] SME Act 2017 – Subsection (1) of Section 16A amended – Paragraphs (a) and (b) repealed and replaced- w.e.f 18 January 2018.

*(a) is registered under the Small and Medium Enterprises Development Authority Act on or after 2 June 2015; and*

*(b) qualifies under a scheme referred to in section 5A of the Small and Medium Enterprises Development Authority Act, be exempt from income tax in respect of the income derived from a project under the scheme.*

[173] SME Act 2017 – Subsection (2) of Section 16A amended – Paragraph (c) repealed and replaced- w.e.f18 January 2018.

*(c) in which the individual starts the activities relating to a project under the scheme referred to in section 5A of the Small and Medium Enterprises Development Authority Act.*

[174] FA 2011 – New ***Sub-part AA Solidarity Income Tax repealed - shall come into operation on 1 January 2012.***

FA 2010 – New ***Sub-part AA Solidarity Income Tax*** added shall come into operation as from the income year commencing 1 January 2011.

**16A. Interpretation**

In this Sub-part –

"**solidarity income tax**" means the solidarity income tax referred to in section 16B;

"**specified exempt income**" means –

(i) dividends paid to an individual by a resident company;

(ii) dividends paid to an individual by a co-operative society registered under the Co-operatives Act;

(iii) interest on –

(A) a savings or fixed deposit account held by an individual with any bank or a non-bank deposit taking institution under the Banking Act;

(B) Government securities and Bank of Mauritius Bills held by an individual;

"**total income**" –

(a) means the sum of the net income of the individual, other than gains falling under section 10A, and

(a) includes the specified exempt income of that individual.

**16B. Liability to Solidarity Income Tax**

(1) Subject to subsection (3), every individual whose total income exceeds 2 million rupees in an income year shall, in addition to his liability to income tax under Part II, be liable to pay to the Director-General a solidarity income tax.

(2) The solidarity income tax under subsection (1) shall be calculated at the rate of 10 per cent of the specified exempt income and shall be paid at the time the individual submits his return of income under section 112.

(3) This section shall not apply to an individual who is non-resident

[175] FA 2023 – Sub Part AB of Part III repealed, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

***16B. Interpretation***

*In this Sub-part –*

*"**leviable income**" means the sum of –*

*(a) the chargeable income of an individual,*

*(b) the dividends paid to that individual by a resident company and a co-operative society registered under the Co-operatives Act 2016;and*

*(c) the share of dividends of that individual in a resident société or succession to which he would have been entitled as an associate of a société or heir in a succession, had the dividends received by the société or succession been wholly distributed among the associates or heirs, as the case may be; but*

*(d) does not include any lump sum by way of commutation of pension or by way of death gratuity or as consolidated compensation for death or injury, and paid –*

*(i) by virtue of any enactment;*

*(i) from a superannuation fund; and*

*(iii) under a personal pension scheme approved by the Director-General;*

*"**solidarity levy**" –*

*(a) means the solidarity levy referred to in section 16C; and*

*(b) includes any penalty and interest imposed under this Act.*

***16C. Liability to solidarity levy***

*(1) Subject to subsection (3), every individual whose leviable income exceeds 3 million rupees in an income year shall, in addition to his liability to income tax under Part II, be liable to pay to the Director-General a solidarity levy.*

*(2) The solidarity levy under subsection (1) shall be calculated at the rate of 25 per cent of the leviable income in excess of 3 million rupees and shall be paid at the time the individual submits his return of income under section 112.*

*(2A) The solidarity levy payable by an individual in an income year under subsection (1) shall not exceed 10 per cent of the sum of –*

*(a) his net income excluding the lump sum specified in paragraph (d) of the definition of "leviable income" in section 16B; and*

*(b) dividends in paragraphs (b) and (c) of the definition of "leviable income" in section 16B.*

*(3) This section shall not apply to an individual who is not resident in Mauritius*

FA 2020 – Section 16C amended by deleting the words "3.5 million" wherever they appear and replacing them by the words "3 million" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

FA 2020 – Subsection (2) amended, the words "5 per cent" deleted and replaced by the words "25 per cent" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

FA 2020 – New Subsection (2A) inserted after subsection (2) – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

FA 2019 – Section 16B amended, new paragraph (c) added, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2019 – Section 16B amended, new paragraph (d) added, shall come into operation in respect of the income year commencing on 1 July 2017 and in respect of every subsequent income year.

FA 2017- Part III amended new Sub-Part AB inserted after Sub-Part AA shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

176 FA 2006 – Subsection (1) amended by deleting the words "(1)(a) Any" and replacing them by the words "(1) Any ( i.e. paragraph (b), (c) and (d) deleted and subsection (1) (a) being renumbered (1) shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

Subsection (1) (b), (1)(c) and (1) (d) repealed

*(b) Notwithstanding paragraph (a) but subject to paragraph (c), any expenditure incurred for attending seminars, workshops, symposiums and other training courses in connection with the duties of an office or employment by a member of a recognised professional body or for the payment of membership fees of a recognised professional body[(1)] shall be deductible from the gross income referred to in section 10(1)(a) in the income year in which the expenditure is incurred.*

*(c) The amount deductible under paragraph (b) shall not exceed 30,000[(2)] rupees.*

*(d) No deduction under this section shall be allowed in respect of an income year where a deduction has been allowed under section 37C for that income year.[(3)]*

177 FA 2006 – Subsection (2) amended by deleting the words "not be included in his gross income" and replacing them by the words "be deductible from the gross income referred to in section 10(1)(a) in the income year in which the allowance is made"; shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-
*(2) The Commissioner may determine whether and to what extent an allowance made to a person constitutes a reimbursement of expenditure wholly, exclusively and necessarily incurred by that person in performing the duties of his office or employment and the allowance shall, to the extent so determined, not be included in his gross income.*

178 FA 2006 –Subsection (3) amended by deleting the words "shall not be included in the gross income of that person" and replacing them by the words "shall be deductible from the gross income referred to in section 10(1)(a) in the income year in which the advantage is provided" shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

*(3) Where the Commissioner is satisfied that the whole or part of any advantage has necessarily to be provided by an employer for a person for the performance of the duties of his office or employment, the advantage, or part thereof, shall not be included in the gross income of that person.*

[179] FA 2006 – Subsection (4) deleted shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.
.

ITA 1995:-

*(4) (a) Subject to paragraph (b), a benefit to an employee from a payment by his employer to provide a pension or retiring allowance for the employee or his dependants and which is an allowable deduction under section 22 or 61, as the case may be, shall not be included in the gross income of the employee in the year in which the payment is made.*

*(b) Where the pension or retiring allowance is deemed to have been derived by the employee under section 5(2), it shall, subject to section 10(1)(a)(ii), be included in the gross income for the year in which the pension or retiring allowance is derived.*

[180] FA 2006 – Subsection (5) deleted shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.
.

ITA 1995:-

*(5) A benefit to an employee from a payment by his employer to a scheme approved by the Commissioner to provide against medical expenses for the employee or his dependants and which is an allowable deduction under section 22 or 61, as the case may be, shall not be included in the gross income of the employee in the year in which the payment is made.*

[181] FA 2006 – Paragraph (b) amended w.e.f 01.07.06.
ITA 1995:-
*(b) immovable property, including the cost of acquisition, which when realised, produces gross income under section 10(2)(c),*

[182] FA 2023 – Section 18(4)(a) repealed and replaced, shall be deemed to have come into operation on 1 July 2023.

Previously was:

*(4)(a) - "emoluments in respect of a disabled person; or"*

[183] Subsection (4) added by FA 1999. Effective as from income year 1999-00.

[184] FA 2023 – New Section (4A) inserted after Section 4, shall be deemed to have come into operation on 1 July 2023.

[185] FA 2023 – New Section (4B) inserted after Section 4, shall be deemed to have come into operation on 1 July 2023.

[186] FA 2018 - Section 18 (5) amended , the words "Category 1", " or by a bank holding a banking licence under the Banking Act," and "or the bank, as the case may be," deleted - shall come into operation on 1 January 2019.

FA 2010 – Section 18 subsection (5) repealed and replaced.

Subsection (5) added by FA 2005.

(5) *Subject to subsection (1) and section 26(1)(b) and (3), where any expenditure or loss incurred by a bank is not directly attributable to either its income derived from Mauritius or its foreign source income, the bank shall forward, together with its return of income which is required to*

*be furnished under this Act, a certificate from a qualified auditor certifying that such expenditure or loss has been apportioned in a fair and reasonable manner, after taking into account any expenditure or loss incurred in the production of exempt income.*

[187] FA 2020 – Section 18(6) amended, the words "under the Value Added Tax Act" inserted after the words "Solidarity levy" wherever they appear w.e.f 7 August 2020.

FA 2006 – Subsection (6) added w.e.f 01.07.06.

[188] FA 2018 – New section 18A inserted - shall be deemed to have come into operation in respect of the income year commencing on 1 July 2018 and in respect of every subsequent income year.

[189] FA 2006 – Section 20 deleted and replaced, shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

***20. Losses***

*(1) Where a person satisfies the Commissioner that he has in an income year incurred a loss in the production of gross income specified in section 10(1)(b), (c) and (d) [2], that loss -*

*(a) shall not be deducted from or set off against his gross income specified in section 10(1)(a) for that income year; but*

*(b) may be carried forward and set off against his gross income, other than gross income specified in section 10(1)(a), in the following income year and in the succeeding years.*

*(2) For the purposes of this section, where any question arises under this section as to the quantum of losses available for set off or carry forward, the question shall be determined by the Commissioner.*

[2] The words "section 10(1)(b), (c) and (d)" replaced "section 10(1)(b) and (c)" by FA 2000. Effective as from 1.7.2000.

[190] FA 2008-Subsection (3), added w.e.f 19 July 2008.

[191] FA 2018 - Section 20 amended, new subsections (4), (5) and (6) added w.e.f 9 August 2018.

[192] FA 2019 – Section 21 amended, new subsection (2A) inserted - shall be deemed to have come into operation on 1 July 2019.

[193] FA 2017- Subsection (1) amended the words "subsection (2)" deleted and replaced by the words "this section" w.e.f 24 July 2017.

[194] FA 2017- New subsection (3) added w.e.f 24 July 2017.

[195] FA 2006 – Subsection (1) deleted and replaced, shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(1) Subject to the other provisions of this section, where, in an income year, a person has incurred capital expenditure on -*

*(a) the acquisition, construction or extension of any industrial premises or of a hotel;*
*(b) the acquisition of plant or machinery;*
*(c) agricultural improvement on agricultural land;*
*(d) scientific research; [2]*
*(e) the setting up of golf courses; or [3]*

*(f)*[3] *the acquisition or improvement of any other item of a capital nature which is subject to depreciation under the normal accounting principles, other than non-industrial premises,*

*he shall be allowed a deduction of the capital expenditure so incurred by way of an annual allowance in that income year and in each of the succeeding years at such rate as may be prescribed.*

[2] The word "or" deleted by FA 2004. Effective as from year of Assessment 2003/04.

[3] Amended by FA 2004. Effective as from year of Assessment 2004/05. Previously -

(e) *the acquisition or improvement of any other item of a capital nature, other than non-industrial premises,*

Inserted by FA 2004. Effective as from income year 2004/05.

[196] FA 2013 – Section 24(1) amended , new paragraph (ea) inserted – shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

[197] FA 2017- New paragraphs (g) and (h) added shall be deemed to have come into operation on 1 July 2017.

[198] FA 2017- New paragraphs (g) and (h) added shall be deemed to have come into operation on 1 July 2017.

[199] FA 2020 – New subsection (1A) inserted after subsection (1) – shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

[200] FA 2006 – Subsection (2) deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

Subsection (2) added by FA 2000. Effective as from income year 2000-01.

*(a) Subject to paragraph (b), where, in an income year, a medical practitioner has incurred expenditure on improvements to his consulting and waiting rooms, he shall be allowed in that income year and in each of the 2 succeeding income years a deduction by way of annual allowance at the rate of 33 1/3 per cent of the expenditure so incurred.*

*(b) No deduction shall be allowed under paragraph (a) where a deduction has been allowed under subsection (1) in respect of the same expenditure.*

[201] FA 2016 - Subsection (3) repealed and replaced shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

Amended by FA 2004. Effective as from income year 2004/05.

*(3) No annual allowance shall be allowed under this section unless –*

*(a) the expenditure is incurred exclusively in the production of gross income; and*

*(b) the provisions of section 153(1) are complied with.*

Previously was:

*(3) No annual allowance shall be allowed under this section unless the expenditure is incurred exclusively in the production of gross income.*

[202] FA 2010 –Subsection (4) repealed and replaced shall come into operation as from the income year commencing 1 January 2011.

Previous subsections (2), (3),(4), (5) and (6) renumbered (3), (4), (5), (6) and (7) respectively by FA 2000.

(4) The total amount of allowance claimed under this section shall not exceed in the aggregate the amount of the capital expenditure incurred.

[203] The words "subsection (6)" replaced "subsection (5)" by FA 2000.

[204] FA 2022 - subsection (6) amended, by deleting the words "transfers plant, machinery or industrial premises", "and the plant, machinery and industrial premises" and "base value of the plant, machinery or industrial premises" and replacing them by the words "transfers plant, machinery, industrial premises or any other asset of a capital nature", "and the plant, machinery, industrial premises or asset" and "base value of the plant, machinery, industrial premises or asset", respectively, w.e.f 02 August 2022.

The words ", machinery or industrial premises" replaced the words "or machinery" by FA 2005. Effective as from the year of assessment commencing 1 July 2005.

Previous subsections (2), (3),(4), (5) and (6) renumbered (3), (4), (5), (6) and (7) respectively by FA 2000.

[205] FA 2016 - New Subsections (7) and (8) added w.e.f 7 September 2016.

FA 2006 – Subsection (7) deleted w.e.f 01.07.07.
Subsection (7) added by FA 1998.
*Where an investment approved by the Commissioner is made in a company holding a regional development certificate, the investment is deemed to be capital expenditure for the purposes of this section.*

[206] FA 2019 – New Section 24A inserted after section 24- shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

[207] FA 2020 – New Section 24B inserted after Section 24A –shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

[208] FA 2006 – Section 25 repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

***25. Investment allowance***

*(1) Subject to the other provisions of this section, where a person has incurred capital expenditure on -*

*(a) the construction of industrial premises;*

*(b) the acquisition of new plant and machinery; or*

*(c) the acquisition of computer software,*

*he shall be allowed a deduction of 25 per cent of the capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred.*

*(2) No deduction shall be allowed under subsection (1) in respect of expenditure incurred in the acquisition of a road vehicle other than a new bus of a seating capacity of not less than 30.*

*(3) Subject to subsection (4), where a person has incurred capital expenditure on -*

*(a) the construction of industrial premises; or*

*(b) the acquisition of new plant and machinery for the processing of agricultural, fisheries or livestock products, or for manufacture,* [2]

*in the Island of Rodrigues, he shall be allowed a deduction of the capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred.*

*(4) No deduction shall be allowed under subsection (1) where the person is allowed a deduction under subsection (3).*

*(5) No investment allowance shall be allowed under this section -*

*(a)* [3] *unless*

*(i) the expenditure is incurred exclusively in the production of gross income in the income year in which the expenditure is incurred; and*

*(ii) the provisions of section 153(1) are complied with.*

*(b) in respect of expenditure incurred in the acquisition of machinery or plant which is used or second-hand at the date of its acquisition; or*

*(c) where before the expiry of 5 years from the date on which the expenditure was incurred -*

[2] The words "or for manufacture," inserted by FA 1999. Effective as from income year 1999-00.

[3] Amended by FA 2004. Effective as from income year 2004/05. Previously was:
(a) *unless the expenditure is incurred exclusively in the production of gross income in the income year in which the expenditure is incurred;*

[209] FA 2006 – Section 25 deleted w.e.f 01.07.07.

*(i) the industrial premises are sold, demolished or destroyed, or ceased to be used exclusively as industrial premises;*

*(ii) the plant or machinery is sold, scrapped or ceases to be used for the purposes of the trade carried on by the person; or*

*(iii) the trade carried on by the person is permanently discontinued.*

*(6) Subject to subsection (7),*[1] *where a deduction has been allowed under this section and any of the events specified in subsection (5)(c) occurs, the deduction allowed shall be withdrawn and the amount of the deduction so withdrawn shall be deemed to be the gross income of the person in the income year in which the event occurs.*

*(7)* [2] *(a) Subsection (6) shall not apply -*

*(i) where a person sells or otherwise transfers plant or machinery to a relative or to a related company and the plant or machinery sold or transferred is used by the relative or the related company for the production of gross income;*

*(ia)* [3] *where a person sells or otherwise transfers industrial premises to a relative or to a related company and the premises sold or transferred are used by the relative or the related company as industrial premises;*

*(ii) in respect of industrial premises or plant or machinery sold or otherwise transferred by a person or body of persons engaged in a specified activity to a company engaged in a specified activity provided that the company or its holding company, as the case may be, satisfies the conditions specified in section 12 of the Sugar Industry Efficiency Act 2001.*[4]

[1] The words "Subject to subsection (7)," inserted by FA 1999.

[2] Subsection (7) amended by the Sugar Industry Efficiency Act 2001. Effective as from 17.9.2001 - Proclamation No. 15 of 2001. Previously FA 1999 -
*(7) Subsection (6) shall not apply where a person sells or otherwise transfers plant or machinery to a relative or to a related company and the plant or machinery sold or transferred is used by the relative or the related company for the production of gross income.*

[3] Subparagraph (ia) inserted by FA 2005. Effective as from assessment year 2005-06.

[4] Subparagraph (ii) amended by FA 2002. Previously Sugar Industry Efficiency Act 2001 -

*(ii) in respect of industrial premises or plant or machinery sold or otherwise transferred by a person or body of persons engaged in a specified activity to a company engaged in a specified activity provided that the company is listed on the Stock Exchange and -*

*(A) has as shareholder the Trust established under the Sugar Industry Efficiency Act 2001, or any body controlled by the Trust or any specified entity; or*

*(B) sells or otherwise transfers any of its lands at a nominal price of one rupee to the Trust established under the Sugar Industry Efficiency Act 2001, or any body controlled by the Trust or to any specified entity.*

[210] FA 2006 – Section 25 deleted w.e.f 01.07.07.

*(b) In this subsection -*

*(i) "specified activity" means -*

*(A) the growing of sugar cane;*

*(B) the milling of sugar; or*

*(C) the processing of sugar cane by-products including the production of firm or continuous electricity for export to the grid through the use of bagasse or coal, as the case may be.*

*(ii) "holding company" has the same meaning as in the Companies Act 2001.*[2]

*(8)*[3] *Where an investment approved by the Commissioner is made in a company holding a regional development certificate, the investment is deemed to be capital expenditure for the purposes of this section.*

[2] Subparagraph (ii) amended by FA 2002. Previously Sugar Industry Efficiency Act 2001 -
*(ii)* ***"specified entity"*** *has the same meaning as in the Sugar Industry Efficiency Act 2001.*

[3] Previous subsection (7) added by FA 1998 and renumbered (8) by FA 1999.

[211] The words "*Notwithstanding sections 18 and 19 but"* inserted by FA 1999.

[212] The Additional Stimulus Package (Miscellaneous Provisions) Act 2009- Section 26(1) amended by repealing paragraph (f) -shall be deemed to have come into operation on 1 January 2009.

ITA 1995:-
(f) any tax payable under the Land (Duties and Taxes) Act 1984;

[213] FA 2021- Section 26(1)(g) amended, the words ", levy imposed in accordance with section 114 of the Gambling Regulatory Authority Act" inserted after the words "foreign tax" –w.e.f 05 August 2021.

FA 2019 – Section 26(1) amended, paragraph (g) repealed and replaced – shall be deemed to have come operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

***Previously was****:*

*income tax or foreign tax;*

214 The Financial Crimes Commission Act 2024, Section 26(1)(i) amended, by deleting the words "as a bribe" and replacing them by the words ", as a gratification for a corruption offence", w.e.f 29 March 2024 (by proclamation).

FA 2023 – New subsection (i) inserted , w.e.f 20 July 2023.

215 The words *"the gross income shall be allowed in such proportion and in such manner as may be prescribed"* replaced by "the *exempt income shall be disallowed in such proportion as may be prescribed*: by FA 2003. Effective as from year of assessment 2003/2004.

216 FA 2006 – Subsection (4) deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
ITA 1995:-

*(4) Where a developer under the Morcellement Act 1990 incurs, in the ordinary course of his business, expenditure in respect of tax payable under the Land (Duties and Taxes) Act 1984, such expenditure shall be allowed as a deduction.*

217 FA 2023 – Heading of Sub-Part C deleted and replaced, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

***"Sub-Part C – Income Exemption Threshold"***

FA 2006 – Sub-Part C deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-
**Sub-Part C - Personal Reliefs and Deductions**

218 FA 2023 – Section 27 Heading amended by deleting the words "income exemption threshold" and replacing them by the words "personal reliefs and deductions", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

*ITA 1995:-*
***Section 27 – Entitlement to Income Exemption Thresholds***

219 FA 2023 – Subsection (1) amended, by deleting the words "an income exemption threshold" and replacing them by the words "personal reliefs, deductions and allowances under Sub-part C, D or E of Part III". shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

220 FA 2023 – Subsection (2) repealed and replaced, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subdequent income year.

Previously was:

*(2) Subject to the other provisions of this section, every person shall, in an income year, be entitled to deduct from his net income in that income year, the appropriate amount of income exemption threshold in respect of Category A, Category B, Category C, Category D or Category E as specified in the Third Schedule.*

FA 2019 – Subsection (2) amended, the words "Category D, Category E, Category F or Category G" deleted and replaced by the words "Category D or Category E" –shall be deemed to have come into

operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- Subsection (2) amended, the words "or Category F" deleted and replaced by the words ", Category F or Category G"- shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

FA 2008- Subsection (2) amended by deleting the words "or Category D" and replacing them by the words "Category D, Category E or Category F"; - shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

221 FA 2019 – Section 27 amended, new subsection (2A) inserted –shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

222 FA 2008 - Subsection (3) repealed - shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

(3)Where a person derives income from interest and from other sources, he may in priority deduct the income exemption threshold to which he is entitled from his net income from sources other than interest, and any amount of that income exemption threshold remaining unrelieved may then be deducted from his income from interest to arrive at his chargeable income.

223 FA 2024 – Subsection (4) amended by deleting the words "that dependent child" and replacing them by the words "dependent child" shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

FA 2023 – Subsection (4) repealed and replaced shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

**Previously was:**

*Where, in an income year, a person claims an income exemption threshold in respect of Category B, Category C, Category D or Category E, the spouse of that person shall be entitled to claim in that income year an income exemption threshold in respect of Category A only.*

FA 2019 –Subsection (4) amended, the words "Category D, Category E or Category G" deleted and replaced by the words "Category D or Category E" and the words "or Category F" deleted – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- Subsection (4) amended, the words "or Category F" and "Category E" and deleted and replaced by the words ", Category E or Category G" and "Category F", respectively - shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

FA 2008 - Subsection (4) amended by deleting the words "or Category D" and "Category A only" and replacing them by the words ", Category D or Category F" and "Category A or Category E only, as the case may be", respectively - shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

224 FA 2020 – Section 27 amended, new subsection (4A) inserted after subsection (4) – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

225 FA 2023 – Subsection (5) amended, by deleting the words "an income exemption threshold in respect of" and replacing them by the words "a deduction in respect of his –" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

226 FA 2023 – Subsection (5)(a) amended, by deleting year commencing on 1 July 2023 and in respect of the words "Category B" and "his dependent" and replacing them by the words "first dependent" and "that dependent", respectively shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2019 – Subsection (5)(a) amended, the words "or Category G" deleted – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- Paragraph (a) amended, the words "Category F" deleted and replaced by the words "Category G" - shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

FA 2008 - Subsection (5)(a) amended by inserting after the words "Category B", the words "or Category F" - shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

227 FA 2023 – Subsection (5)(b) amended, by deleting the words "Category C" and replacing them by the words "second dependent" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2019 – Paragraph (b) amended, the words "65,000 rupees" deleted and replaced by the words "80,000 rupees" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- Paragraph (b) amended, the figure "60,000" deleted and replaced by the figure "65,000" - shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

228 FA 2023 – Subsection (5)(c) amended, by deleting the words "Category D" and replacing them by the words "third dependent" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2020 – Paragraph (c) amended, the words "50,000 rupees" deleted and replaced by the words "85,000 rupees" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

FA 2019 – Paragraph (c) amended, the words "45,000 rupees" deleted and replaced by the words "50,000 rupees" –shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- Paragraph (c) amended, the figure "40,000" deleted and replaced by the figure "45,000" - shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

229 FA 2023 – Subsection (5)(d) amended, by deleting the words "Category E" and replacing them by the words "fourth dependent" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2020 – Paragraph (d) amended, the words "50,000 rupees" deleted and replaced by the words "80,000 rupees" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

FA 2019 – Paragraph (d) amended, the words "30,000 rupees" deleted and replaced by the words "50,000 rupees" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- New paragraph (d) added - shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

230 FA 2021 – Subsection (6) amended**,** the word "Where**"** deleted and replaced by the words "Subject to subsection (6B), where" – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

FA 2020 – Subsection (6) amended, the words "50,000 rupees and 50,000 rupees" deleted and replaced by the words "85,000 and 80,000 rupees" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

FA 2019 – Subsection (6) amended, the words "65,000 rupees", "45,000 rupees" and "30,000 rupees" deleted and replaced by the words "80,000 rupees", "50,000 rupees" and "50,000 rupees", respectively – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2017- Subsection (6) repealed and replaced shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

(*6) Where the net income and exempt income of the first dependent, second dependent and third dependent does not exceed 110,000 rupees, 60,000 rupees and 40,000 rupees respectively, the net income of the dependent or dependents shall be deemed to be, and shall be added to, the net income of the person.*

231 FA 2023 – Subsection (6A) amended, by deleting the words "income exemption threshold under Category B, C, D or E and one of the dependents is a child" and "additional exemption" and replacing them by the words "a deduction in respect of a dependent child who is" and "additional deduction" respectively shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2022 - Subsection (6A) amended, the words "or postgraduate" inserted after the word "undergraduate", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

FA 2019 – Subsection (6A) amended, the words "Category B, C, D, E or G" deleted and replaced by the words "Category B, C, D or E" and the words " 3 dependents" deleted and replaced by the words "4 dependents" –shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

FA 2018 - Section 27 amended, new subsection (6A) inserted after subsection (6) w.e.f 9 August 2018.

232 FA 2023 – Subsection (6B) amended, by deleting the words "an income exemption threshold in respect of Category B, Category C, Category D or Category E and the dependents in respect of whom he has claimed the deduction includes" and replacing them by the words "a deduction in respect of a dependent who is" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

233 FA 2021- Subsection (6) amended, new subsection (6B) inserted after subsection 6A – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

234 FA 2019 – Subsection (7) repealed and replaced – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year

***Previously was*:**

For the purposes of this section, "dependent" means either -

(a) a spouse;

(b) a child under the age of 18; or

(c) a child over the age of 18 and who is pursuing full - time course at an educational institution or a training institution or who cannot earn a living because of a physical or mental disability.

FA 2007 - Section 27(7)(c) amended, by deleting the words "full-time education or training" and replacing them by the words "full- time course at an educational institution or a training institution"; shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

*(c) a child over the age of 18 and who is pursuing full-time education or training or who cannot earn a living because of a physical or mental disability.*

235 FA 2020 – Subsection (7) amended, new paragraph (d) added – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

236 FA 2022 – definition of "bedridden nextof kin" amended, by deleting the words "bedridden father" and replacing them by the words "bedridden spouse, father", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

FA 2020 – New definition inserted – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

237 FA 2006 – Sub-Part C deleted and replaced w.e.f 01.07.06.
ITA 1995:-

**Sub-Part C - Personal Reliefs and Deductions**

***27. Reliefs and deductions limited to individuals resident in Mauritius***

*No relief or deduction under this Sub-Part shall be allowed unless the person is resident in Mauritius in the income year in which the income is derived.*

***28. Emoluments relief***

*(1) Notwithstanding section 27, every person who derives emoluments in an income year shall be allowed, in that income year, a relief by way of deduction from his net income from emoluments of -*

*(a) an amount equal to 15 per cent[(1)] of his net income from emoluments or 135,000 rupees[(2)], whichever is the lesser; and*

*(b) an amount equal to his pension or 75,000 rupees[(3)], whichever is the lesser.*

*(2) For the purposes of this section, "pension" means a pension -*

*(a) paid by virtue of any enactment other than the National Pensions Act;*

*(b) paid from a superannuation fund; or*

*(c) which is a pension deductible under section 23 or 62, as the case may be.*

***28A. Agricultural income relief***[4]

*(1) Notwithstanding section 27, every person who derives income from agriculture in an income year shall be allowed, in that income year a relief by way of deduction from his net income from agriculture of an amount equal to 15 per cent*[5] *of his net income from agriculture or 100,000 rupees*[6]*, whichever is the lesser.*

(1) The words "15 per cent" replaced "12 per cent" by FA 1998.Effective as from income year 1998-99.

(2) Amended by FA 2005. Effective as from income year 2005-06. Previously -

- ITA 1995 as amended - Income year 1996-97 - Rs 39,000
- FA 1997 - Income year 1997-98 - Rs 65,000
- FA 1998 - Income year 1998-99 - Rs 100,000
- FA 2002 - Income year 2002-03 – Rs 125,000

(3) Amended by FA 2002. Effective as from income year 2002-03. Previously -

- ITA 1995 as amended - Income year 1996-97 - Rs 32,500
- FA 1997 - Income year 1997-98 - Rs 55,000
- FA 1998 - Income year 1998-99 - Rs 65,000

(4) Section 28A added by FA 1997. Effective as from income year 1997-98

(5) The words "15 per cent" replaced "12 per cent" by FA 1998. Effective as from income year 1998-99.

(6) Amended by FA 1998. Effective as from income year 1998-99. Previously FA 1997 - income year 1997-98 - Rs 65,000

238 FA 2006 – Sub-Part C deleted w.e.f 01.07.06.

*(2) For the purposes of this section, net income from agriculture -*

*(a) includes the share of an associate attributable to the net income derived from agriculture by a société;*

*(b) does not include any income from agriculture which is exempt income.*

***29. Relief for contribution to certain funds and schemes***

*Every person who, in an income year, contributes to such funds or schemes as may be prescribed shall, in that income year, be allowed a relief by way of deduction from his net income of the amount paid as contributions.*

***30. Interest relief***

*(1) Subject to the other provisions of this section, every person shall, in an income year, be allowed a relief by way of deduction from his net income of any expenditure incurred in that income year on interest -*

*(a) on a loan secured by mortgage or fixed charge on immovable property;*

*(b) on a loan raised on the security of an insurance policy on his life or on the life of his dependent spouse or on the life of his dependent children;*

*(c) on a loan raised on the security of a standing crop or the proceeds of a crop; or*

*(d) on a loan raised on the pledge of shares or debentures,*

*and used exclusively for the purchase of land to be used for the construction of his residence or for the purchase, construction or improvement of his residence*[1] *or for the financing of tertiary education of his dependent children.*[2]

*(2) The deduction under subsection (1) shall, subject to subsection (3), not exceed -*

*(a) 125,000 rupees*[3] *for each spouse, in the case of a couple where neither spouse is a dependent spouse;*

*(b) 250,000 rupees*[4]*, in the case of a couple, where one spouse is a dependent spouse or where only one of the spouses has contracted the loan; or*[5]

*(c) 250,000 rupees[6], in any other case.*

(1) The words "and used exclusively for the purchase of land to be used for the construction of his residence or for the purchase, construction or improvement of his residence" inserted by FA 1999. Effective as from income year 1999-00.

(2) The words "or for the financing of tertiary education of his dependent children' added by FA 2001. Effective as from income year 2001-02.

(3) The words "125,000 rupees" replaced "100,000 rupees" by FA 2002. Effective as from income year 2002-03.

(4) The words "250,000 rupees" replaced "200,000 rupees" by FA 2002. Effective as from income year 2002-03.

(5) Paragraph (b) amended by FA 1997. Effective as from income year 1996-97. Previously ITA 1995 as amended -

(b) 200,000 rupees, in the case of a couple where one spouse is a dependent spouse; or

(6) The words "250,000 rupees" replaced "200,000 rupees" by FA 2002. Effective as from income year 2002-03.

239 FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

*(3) Where, in the case of a couple, the loan is in the joint names of the spouses and neither spouse is a dependent spouse, the deduction under subsection (2)(a) shall be allowed in any proportion as may be claimed by the spouses, provided that, in the aggregate, the deduction does not exceed 250,000 rupees[1].*

*(4)[2] The Commissioner may refuse to allow a deduction on expenditure incurred as interest where he is satisfied that -*

*(a) the interest is payable to a non-resident who is not assessable to tax on the amount of the interest; or*

*(b) the interest is not likely to be paid in cash within a reasonable time.*

*(5) For the purposes of this section, "loan" does not include any credit facility given by way of bank overdraft.[3]*

***31. Relief for life insurance premium***

*(1) Subject to the other provisions of this section [and to section 35][4] , every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of the amount paid as premium in that income year under a life insurance policy which secures a capital sum on death, whether or not in conjunction with any other benefit, on his life, the life of his dependent spouse or the life of any of his children who at the end of that income year was under the age of 18.*

*(2) Where the life insurance policy is held in the joint names of the spouses, the deduction under subsection (1) shall be allowed in any proportion as may be claimed by the spouses provided that, in the aggregate, the deduction does not exceed the amount of premium paid.*

*(3) Where an employer has provided an insurance or contribution for the benefit of a person, his spouse, children and other dependants in respect of a pension, annuity, lump sum, gratuity or other like benefit accruing on death or retirement of the person, otherwise than under a superannuation fund, and the amount of the premium or contribution is included in an income year in the gross income of the person in section 10(1)(a), the person shall be allowed a relief by way of deduction from his net income in respect of the amount of premium or contribution paid by the employer in that income year.*

*(4) The relief under this section shall not, in the aggregate, exceed 80,000 rupees.[5]*

(1) The words "250,000 rupees" replaced "200,000 rupees" by FA 2002. Effective as from income year 2002-03.

(2) Subsection (5) renumbered (4) by FA 1999, the previous subsection (4) being deleted. Effective as from income year 1999-00. Previously ITA 1995 as amended -

(*4) A deduction under this section shall not be allowed where, in respect of the same loan, a deduction for interest incurred in the production of income has been allowed under section 19.*

(3) Subsection (5) added by FA 2001. Effective as from income year 2001-02.

(4) The words "and to section 35" deleted by FA 1999. Effective as from income year 1999-00.

(5) Subsection (4) added by FA 1999. Effective as from income year 1999-00.

**240** FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

***32. Relief for premium on personal pension scheme***

*Subject to section 35, every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of the amount paid as premium in that income year under a personal pension scheme approved by the Commissioner, being a scheme which has as its main object the provision of a pension for himself or his dependent spouse.*

***33. Relief for premium on retirement annuity***

*Subject to section 35, every person who in an income year derives earned income -*

*(a) from a non-pensionable office or employment; or*

*(b) which is included in the gross income specified in section 10(1)(b),*

*shall be allowed a relief by way of deduction from his net income in respect of the amount paid as premium or contribution in that income year under an annuity contract or scheme approved by the Commissioner, being a contract or scheme which has as its main object the provision of life annuity for him in his old age.*

***34. Relief for contribution to medical scheme and for ambulance services(1)***

*Subject to section 35, every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of contributions made by him in that income year under a scheme approved by the Commissioner which has as its main object -*

*(a) the refund of medical expenses incurred by him for himself and for his dependants; or*

*(b) the provision of ambulance services to him and to his dependants.*

(1) Section 34 amended by FA 2002. Effective as from income year 2002-03. Previously ITA 1995 as amended -

***34. Relief for contribution to medical scheme***

*Subject to section 35, every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of contributions made by him in that income year under a medical scheme approved by the Commissioner, being a scheme which has as its main object the provision for medical expenses of himself and of his dependants.*

**241** FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

***35. Savings relief(1)***

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

***36. Investment relief***

*(1) Subject to the other provisions of this section, every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of -*

*(a)[(2)] an amount paid as subscription in the share capital of a company which is listed on the Stock Exchange, or of an authorised mutual fund[(3)];*

*(b) investments made in -*

*(i) units; or*

*(ii) newly issued securities of an investment trust company; or*

*(c) contributions made to -*

*(i) a medical savings scheme approved by the Commissioner; or*

*(ii) an investment club formed in accordance with the Stock Exchange Act 1988.*

(1) Section 35 amended by FA 1999. Effective as from income year 1999-00. Previously -

- ITA 1995 as amended - Income year 1996-97

**35. Savings relief**

(1) The relief by way of deductions under sections 31, 32, 33 and 34 shall, in the aggregate, be limited to -

(a) 60,000 rupees, in the case where the net income of the person does not exceed 400,000 rupees; or

(b) 15 per cent of the net income of the person where his net income exceeds 400,000 rupees.

- FA 1997 - Income year 1997-98

**35. Savings relief**

The relief by way of deductions under sections 31, 32, 33 and 34 shall, in the aggregate, be limited to -

(a) 80,000 rupees, in the case where the net income of the person does not exceed 400,000 rupees; or

(b) 20 per cent of the net income of the person where his net income exceeds 400,000 rupees.

(2) Amended by FA 2004. Effective as from income year 2004/05. Previously was:

(a) **an amount paid as subscription in the share capital of a company**[(A)] which is -

(i) a tax incentive company; or

(ii) listed on the Stock Exchange;

(A) The words "an amount paid as subscription in the share capital of a company" replaced "an amount subscribed to the share capital issued by a company" by FA 1997. Effective as from income year 1996-97.

(3) The words ", or of an authorised mutual fund" added by FA 2005. Effective as from the income year commencing 1 July 2005.

242 FA 2006 – Sub-Part C deleted w.e.f 01.07.06.

ITA 1995:-

*(2)[(1)] Subject to subsections (3) and (4), the deduction allowable under subsection (1) shall be -*

*(a) 40 per cent of the amount paid as subscription or of the investments in the newly issued securities of an investment trust company or contributions made, as the case may be; and*

*(b) 40 per cent of the excess of the investments in units held at the end of an income year over the investments in units held at the end of the immediately preceding income year.*

*(3)[2] Where, in an income year, 40 per cent of the amount paid as subscription or of the investments or contributions made, as the case may be, exceeds 50,000 rupees[3], the excess shall, subject to subsection (4), be deductible in the 2 succeeding income years following that income year.*

*(4) [2] The relief under this section shall not, in the aggregate, exceed 50,000 rupees[3] in any one income year.*

*(5) [2] Where the subscription is paid or the investments or contributions are made by a resident société, the relief under this section shall be allowed to each of the associates of the société in the proportion of his share in the income of the société.*

[1] Subsection (2) amended by FA 1998. Effective as from income year 1998-99. Previously -

- ITA 1995 as amended -

(2) The maximum deduction allowable under subsection (1) shall be -
(a) 40 per cent of the amount subscribed or of the investments or contributions made, as the case may be; or
(b) 75,000 rupees,
whichever is the lesser.

- FA 1997 - Income year 1996-97

(2) Subject to subsections (3) and (4), the deduction allowable under subsection (1) shall be -
(a) 40 per cent of the amount paid as subscription or of the investments or contributions made, as the case may be; or
(b) 75,000 rupees,
whichever is the lesser.

(2) Subsections (3), (4) and (5) amended by FA 1997. Effective as from income year 1996-97. Previously ITA 1995 as amended -

(3) Where the amount is subscribed or the investments or contributions are made by a resident société, the relief under subsection (1) shall, subject to subsection (2), be allowed to each of the associates of the société in the proportion of his share in the income of the société.

(4) No deduction under subsection (1) shall be allowed unless --
(a) the investment in shares, units or securities is held for a period of not less than 12 months; or
(b) the contributions made are not withdrawn before the lapse of a period of 12 months.

(5) A deduction under this section shall be allowed in respect of the income year in which the 12-month period specified in subsection (4) is completed.

[3] The words "50,000 rupees" replaced "75,000 rupees" by FA 2000. Effective as from income year 2000-01.

**243** FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

*(6) Where a deduction under this section has been allowed for an income year and within a period of 12 months following that income year the shares, units or securities are sold or transferred otherwise than on death, or the contributions are reimbursed otherwise than on death, the deduction shall be withdrawn and the amount of the deduction so withdrawn shall be deemed to be the gross income of the person in the income year in which the sale or transfer or reimbursement takes place.[1]*

*(7) No deduction shall be allowed under this section where a person has claimed an exemption under item 14[2] of Part IV of the Second Schedule in respect of the same investment.[3]*

***36A. Relief for shares traded on the Official List of the Stock Exchange[4]***

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

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

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

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

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

(1) Subsection (6) added by FA 1997. Effective as from income year 1996-97.
(2) The words "item 14" replaced "item 13" by FA 2002.
(3) Subsection (7) added by FA 2000. Effective as from income year 2000-01.
(4) Section 36A added by FA 1999. Effective as from 1.7.1999.

**244** FA 2006 – Sub-Part C deleted and replaced w.e.f 01.07.06.
ITA 1995:-

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

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

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

*(4) Where a person has been allowed a deduction under this section in respect of the income year ended 30 June 1999 and the value of shares held by him at 30 June 1999 exceeds the value of shares held by him at 31 December 1999, the excess, to the extent of the amount of relief allowed under this section, shall be withdrawn and the amount so withdrawn shall be deemed to be the gross income of the person for the income year ending 30 June 2000.*

*(5) Subject to subsection (6), for the purposes of computing the excess amount of the relief to be withdrawn under subsection (4),*

*(a) where the value of the shares held at 30 June 1999 and at 31 December 1999 does not each exceed 10,000 rupees, the excess amount of the relief to be withdrawn shall be the difference between the value of the shares held at 30 June 1999 and the value of the shares held at 31 December 1999;*

*(b) where the value of the shares held at 30 June 1999 exceeds 10,000 rupees but the value of the shares held at 31 December 1999 does not exceed 10,000 rupees, the value of the shares held at 30 June 1999 shall be deemed to be equal to 10,000 rupees;*

*(c) where the value of the shares held at 30 June 1999 and at 31 December 1999 exceeds 10,000 rupees, the excess amount of the relief to be withdrawn shall be deemed to be zero.*

*(6) Where the value of shares held at 31 December 1999 exceeds the value of shares held at 30 June 2000, the latter value shall be used for the purposes of computing the amount of relief under subsection (1)(b) or the excess amount of relief to be withdrawn under subsection (4), as the case may be.*

*(7) For the purposes of subsection (6), the value of shares held at 30 June 2000 shall be computed by deducting from the sum of the value of shares held at 31 December 1999 and the aggregate value of shares acquired as from 1 January 2000, the aggregate sale value of any shares sold, transferred or otherwise disposed of during the period 1 January to 30 June 2000, irrespective of the date on which the shares sold, transferred or otherwise disposed of were acquired.*

[245] FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

***36B. Relief for investment in Retirement Savings Scheme*** [(1)]

*(1) Subject to subsection (2), every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of investments made by him in that income year in such retirement savings scheme as may be prescribed.*

*(2) The deduction allowable under subsection (1) shall not exceed 50,000 rupees.*

***37. Deduction for medical expenses***

*(1) Subject to the other provisions of this section,*[(2)] *every person shall, in an income year, be allowed a deduction from his net income in respect of any expenses incurred in that income year for medical treatment of himself, his dependent spouse or dependent children in a health institution or hospital.*

*(2) Subject to subsections (3) and (4),*[(3)] *the deduction allowable under subsection (1) shall be 75 per cent*[(4)] *of the difference between the expenses incurred and any amount received by him from whatever source in respect of the expenses so incurred or -*

*(a) 25,000*[(5)] *rupees, where the treatment is undergone in Mauritius; or*

*(b) 35,000*[(6)] *rupees, where the treatment is undergone outside Mauritius,*

*whichever is the lesser.*[(7)]

*(3)*[(8)] *Where in an income year, 75 per cent*[(4)] *of the difference between the expenses incurred and any amount received by him from whatever source in respect of the expenses so incurred exceeds the deduction allowable under subsection (2)(a) or (b), the excess shall, subject to subsection (4), be deductible in the 2 succeeding income years following that income year.*

*(4)*[(8)] *The deduction under this section in any one income year shall not, in the aggregate, exceed the deduction allowable under subsection (2).*

(1) Section 36B added by FA 2000. Effective as from income year 2000-01.
(2) The words "Subject to the other provisions of this section " replaced "Subject to subsection (2)" by FA 1998. Effective as from income year 1997-98.
(3) The words "Subject to subsections (3) and (4)," inserted by FA 1998. Effective as from income year 1997-98.
(4) The words “75 per cent” replaced “50 per cent” by FA 2002. Effective as from income year 2002-03.
(5) The word “25,000” replaced “20,000” by FA 2005. Effective as from income year 2005-06.
(6) The word “35,000” replaced “30,000” by FA 2005. Effective as from income year 2005-06.
(7) Subsection (2) amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended -
*(2) The deduction allowable in subsection (1) shall be 50 per cent of the difference between the expenses incurred and any amount received by him from whatever source in respect of the expenses so incurred or 15,000 rupees, whichever is the lesser.*
(8) Subsections (3) and (4) added by FA 1998. Effective as from income year 1997-98.

[246] FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

***37A. Donations to charitable institutions*** [(1)]

*(1) Subject to subsection (2), every person shall, in an income year, be allowed a deduction from his net income in that income year in respect of any donations made to a charitable institution.*

*(2) The deduction allowable under subsection (1) shall not, in the aggregate, exceed 40,000 rupees* [(2])*.*

***37B. Contributions to the National Solidarity Fund and Prime Minister's Children's Fund*** [(3)]

*Every person shall, in an income year, be allowed a deduction from his net income in that income year in respect of any contributions made to:-*

*(a) the National Solidarity Fund; or*

*(b) the Prime Minister's Children's Fund.*

***37C. Expenditure incurred on education and training*** [(4)]

*(1) Subject to subsection (2), every person shall, in an income year, be allowed a deduction from his net income in that income year in respect of any subscription, examination or course* [(5)] *fees or expenses payable to a recognised institution for his education or training, whether by distance learning or otherwise.*

*(2) The deduction allowable under subsection (1) shall not exceed 50,000* [(6)] *rupees.*

***38.*** [(7)] ***Basic personal deduction***

*(1) Subject to subsection (2), every person shall, in an income year, be allowed a deduction from his net income in that income year of an amount specified in the Third Schedule.*

[(1)] Section 37A added by FA 1997. Effective as from income year 1996-97.

[(2)] The words "20,000 rupees" replaced "10,000 rupees" by FA 2000. Effective as from income year 2000-01.

The words "20,000 rupees" replaced by "40,000 rupees" by FA 2004. Effective as from income year 2004/05.

[(3)] Section 37B added by FA 1997. Effective as from income year 1996-97.

Section 37B amended by FA 2004. Effective as from income year 2004-05. Previously was:

**37B. Contributions to the National Solidarity Fund**[(3)]

Every person shall, in an income year, be allowed a deduction from his net income in that income year in respect of any contributions made to the National Solidarity Fund established under the Finance and Audit Act.

[(4)] Section 37C added by FA 1997. Effective as from income year 1996-97.

[(5)] The words "subscriptions, examination or course" added by FA 2003. Effective as from year of asst 2003/2004.

[(6)] "25,000 rupees" replaced by "50,000 rupees" by FA 2003. Effective as from year of assessment 2003/2004.

[(7)] Section 38 amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended -

***38. Basic personal deduction***

*Every person shall, in an income year, be allowed a deduction from his net income in that income year of an amount specified in the Third Schedule.*

[247] FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

*(2) Notwithstanding section 27, where a person who, in an income year, is not resident in Mauritius proves to the satisfaction of the Commissioner that he is a citizen of Mauritius in that income year, the person shall be allowed a deduction under subsection (1) in that income year.*

***39. Deduction for dependent spouse***

*Every person -*

*(a) who in an income year has his spouse living with him or whose spouse, if not living with him, is maintained by him otherwise than by an order of court; and*

*(b) whose spouse does not derive any income, or if in receipt of income, derives net income and exempt income of an amount not exceeding the deduction allowable under this section,*

*shall be allowed a deduction from his net income in respect of his dependent spouse in that income year of an amount specified in the Third Schedule.*

***40. Deduction for alimony and maintenance***

*Every person shall, in an income year, be allowed a deduction from his net income in respect of alimony paid to a previous spouse whose marriage with him has been dissolved by a court of competent jurisdiction, or in respect of maintenance paid to his spouse in accordance with an order of a court, in that income year.*

***41. Deduction for dependent children***

*(1) Subject to the other provisions of this section, every person shall, in an income year, be allowed a deduction from his net income in that income year in respect of his dependent child, of an amount specified in the Third Schedule.*

*(2)* [(1)] *No deduction shall be allowed in an income year under this section -*

*(a) to a person and his spouse in respect of more than 3 children in the aggregate;*

*(b) to a person where a deduction has been claimed by his spouse in respect of the same child; or*

*(c) in respect of a child who has sufficient income for his own support.*

*(3) For the purposes of subsection (2)(c)* [(2)]*, a child shall be deemed to have sufficient income for his own support in an income year where the amount of the net income and exempt income derived by him in that income year exceeds the amount of the deductions allowable under this section and section 41A* [(3)]*.*

[(1)] Subsection (2) amended by FA 2002. Effective as from income year 2002-03. Previously ITA 1995 as amended -

*(2) No deduction shall be allowed under this section -*
*(a) in respect of more than 3 children in an income year;*
*(b) in respect of a child who has sufficient income for his own support; or*
*(c) to a person where a deduction has been claimed by his spouse under this section.*

[(2)] The words "subsection (2)(c)" replaced "subsection (2)(b)" by FA 2002.

[(3)] Amended by FA 2004. Word "deduction" replaced by "deductions allowable under this section and section 41A". Effective as from income year 2004/05.

[248] FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

***41A. Deduction for educational expenses*** [(1)]

*(1) Subject to subsections (2) and (3), every person shall, in an income year, be allowed a deduction from his net income in respect of school fees paid by him to a recognised educational institution for the education of his dependent child in respect of whom he has been allowed a deduction under section 41.*

*(2) The deduction allowable under subsection (1) shall not exceed:*

*(a) 10,000 rupees in respect of a child receiving pre-primary, primary or secondary education;*

*(b) 80,000 rupees in respect of child receiving tertiary education in Mauritius*

*(3) The deduction allowable under subsection (1) in respect of a child receiving tertiary education outside Mauritius shall be 80,000 rupees.*

*(4) The deduction under subsection (2) shall be allowed on production of relevant receipts from the educational institution in respect of school fees paid to that institution.*

***42. Deduction for dependent handicapped child***

*(1) Subject to subsection (2), every person shall, in an income year, be allowed a deduction from his net income in that income year in respect of his dependent handicapped child who is over the age of 18 in that income year of an amount specified in the Third Schedule.*

*(2) No deduction shall be allowed under this section -*

*(a) where in respect of the child, the person has claimed in that income year a deduction under section 41; or* [2]

*(b)* [3] *where the spouse of the person has been allowed a deduction in that income year in respect of the same child.*

[1] Section 41A added by FA 1998. Effective as from income year 1998-99.
Section 41A amended by FA 2004. Effective as from income year 2004/05. Previously was:

***41A. Deduction for educational expenses***

*(1) Subject to subsection (2), every person shall, in an income year, be allowed a deduction from his net income in respect of expenses incurred in that income year by way of tuition fees and school fees for his dependent child in respect of whom a deduction has been allowed under section 41.*

*(2) The deduction allowable under subsection (1) shall not exceed 8,000 rupees.*

[2] The word "or" inserted by FA 1998. Effective as from income year 1998-99.

[3] Paragraph (c) relettered (b) by FA 1998, the previous paragraph (b) being deleted. Effective as from income year 1998-99. Previously ITA 1995 as amended -

(b) where the amount of the net income and exempt income of the child in that income year exceeds 15,000 rupees; or

[249] FA 2006 – Sub-Part C deleted w.e.f 01.07.06.
ITA 1995:-

***42A. Deduction for other handicapped person*** [1]

*(1) Subject to the other provisions of this section, every person who, being a tutor for handicapped persons, maintains in an income year a handicapped person shall be allowed a deduction from his net income in that income year in respect of that handicapped person of an amount specified in the Third Schedule.*

*(2) No deduction shall be allowed under this section where a deduction for a handicapped person has been claimed under section 39, 41 or 42 in that income year in respect of the same person.*

*(3) Where claims for deduction are made under this section by 2 or more taxpayers, the deduction shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of the handicapped person.*

*(4* [2] *For the purposes of this section, "tutor" means a person who maintains a handicapped person who is connected with him or with his dependent spouse by blood relationship as parent, grandparent, brother, sister, uncle, aunt, nephew or niece.*

[1] Section 42A added by FA 1998. Effective as from income year 1998-99.

(2) Subsection (4) added by FA 2002. Effective as from income year 2002-03.

250 FA 2010 – New Sub-Part D – ***Interest Relief for Individuals,*** inserted before Part IV - shall come into operation as from the income year commencing 1 January 2011.

251 FA 2013 –Section 27A(1) repealed and replaced - shall be deemed to have come into operation in respect of the income year commencing 1 January 2013 and in respect of every subsequent income year.

*(1) Subject to this section, every person shall, in an income year, be allowed a relief by way of deduction from his net income in respect of the amount of interest paid in that income year to a bank or a non-bank deposit taking institution under the Banking Act or to an insurance company under the Insurance Act on a housing loan secured by mortgage or fixed charge on immovable property and used exclusively for the purchase or construction of his house.*

252 FA 2016 - Subsection (2) amended, the words "taken on or after 1 July 2006" deleted, shall come into operation in respect of the income year commencing on 1 July 2016 and in respect of every subsequent income year.

253 FA 2015 - Section 27A amended, subsection (3) repealed and replaced - shall come into operation in respect of the income year commencing on 1 July 2015 and in respect of every subsequent income year.

*(3) The relief under subsections (1) and (2) shall be allowed for 5 consecutive years starting as from January 2011 and shall be –*

*(a) 120,000 rupees, in the case of a couple where either spouse is a dependent spouse;*

*(b) 120,000 rupees, in the case of a couple where neither spouse is a dependent spouse or at their option, divided equally for each spouse; or*

*(a) in any other case, 120,000 rupees provided that in the case of a couple, the relief shall not exceed, in the aggregate, 120,000 rupees,*

*or the actual amount, whichever is the lesser.*

254 FA 2011 – Subparagraph (ii) repealed - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

(ii) is subject to the Solidarity Income Tax; or

255 FA 2016 - Subsection (4)(c) amended, the figure "2" deleted and replaced by the figure "4" shall come into operation in respect of the income year commencing on 1 July 2016 and in respect of every subsequent income year.

FA 2011 – New paragraph (c) added - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

256 FA 2013 –New subsection (4A) inserted after subsection (4) – shall be deemed to have come into operation in respect of the income year commencing 1 January 2013 and in respect of every subsequent income year.

257 FA 2011 – New subsection (5) added - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

258 FA 2018 – In the heading of Sub-part E of Part III the words "***Relief for Medical or Health Insurance Premium***" deleted and replaced by the words "***Other Reliefs and Allowances***" w.e.f 9 August 2018.

FA 2012 – Part III amended, new Sub-part 27B inserted after section 27A – shall come into operation in respect of the income year commencing 1 January 2013 and in respect of every subsequent income year.

259 FA 2013 – Section 27B (1) repealed and replaced - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

*(1) Subject to this section, every person shall, in an income year, be entitled to deduct from his net income the actual amount of premium paid in that income year in respect of a medical or health insurance policy, contracted for himself and his dependent in respect of whom he has claimed a deduction under section 27.*

260 FA 2013 –Subsection (3)(a) amended , the words "or contribution" inserted after the word "premium" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

261 FA 2015 – New section 27C inserted after section 27B, shall come into operation on 1 July 2015.

262 FA 2021- Section 27C(1) amended, the words "and 27D" deleted and replaced by the words "27D, 27DA and 27DB" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

FA 2017- Section 27C(1) amended, the words "including photovoltaic kits and battery for storage of electricity," deleted w.e.f 24 July 2017.

FA 2016 - Subsection (1) of Section 27C amended, the words "after deducting any amount under sections 27, 27A and 27B" inserted after the words "net income" shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

263 FA 2017- New section 27D inserted after section 27C w.e.f 24 July 2017.

264 FA 2021- New section 27DA inserted after section 27D – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

265 FA 2024 - Section 27DA(1) amended, by deleting the words "50,000 rupees" and replacing them by the words "100,000 rupees", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2024 and in respect of every subsequent income year.

FA 2022 - section 27DA(1) amended, by deleting the words "30,000 rupees" and replacing them by the words "50,000 rupees", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

266 FA 2022 - section 27DB amended, by deleting the words "30,000 rupees" and replacing them by the words "50,000 rupees", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

FA 2021- New section 27DB inserted after section 27D – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

267 FA 2024 – New section 27DC inserted after section 27DB, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2024 and in respect of every subsequent income year.

268 FA 2018 - inserting, after section 27D, the following new section

[269] FA 2021- Section 27E(1) amended, the words "and 27D" deleted and replaced by the words "27D, 27DA and 27DB"- shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

[270] FA 2019 – New Section 27F inserted after section 27E – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

[271] FA 2022 – Section 27G repealed, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

*Previously:*

*27G. Tax credit for employees*

*(1) Subject to this section, where an employee who has derived in the first month of an income year, a basic salary inclusive of compensation not exceeding 50,000 rupees, he shall be allowed a tax credit by way of deduction from income tax otherwise payable by him for that income year, provided his total annual net income in that income year does not exceed 700,000 rupees.*

*(2) The tax credit allowable under subsection (1) shall be equivalent to 5 per cent of the chargeable income of the individual attributable to his net income from emoluments.*

*(3) An individual whose net income is less than 650,000 rupees in an income year shall not be entitled to the tax credit under subsection (1).*

FA 2019 –New Section 27G inserted –shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

[272] THE COVID-19 (MISCELLANEOUS PROVISIONS) ACT 2020 ('Covid M A 2020') – New section 27H inserted – shall be deemed to have come into operation on 23 March 2020

[273] FA 2021- Section 27H(1) amended, the words "and 27D" deleted and replaced by the words "27D, 27DA and 27DB"- shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

[274] FA 2021- New section 27J inserted after Section 27H –shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

[275] FA 2023 – New Section 27K inserted, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

[276] FA 2022 – new section 28 inserted, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

[277] THE FOUNDATIONS ACT 2012 – Section 43 amended , by deleting the words "and *sociétés*" and replacing them by the words ", *sociétés* and Foundations" w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

The Securities Act 2005 - Section 43 amended, by inserting immediately after the word "trusts", the words ", collective investment schemes" w.e.f 28.09.07.

*This Part shall apply to companies, unit trust schemes, trusts and sociétés.*

**Sub-Part A - Companies, unit trust schemes, trusts and sociétés**

278 THE FOUNDATIONS ACT 2012 – The title of Sub-Part A of Part IV amended, the words "and Sociétés" deleted and replaced by the words ", Sociétés and Foundations";

279 FA 2018 – Section 44 amended, the words "and 44C inserted after the words "section 44B" shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

FA 2018 - The words "Part I" deleted and replaced by the words "Part IV" - Shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

FA 2017 – Section 44 amended the words "Every company" and "specified in" deletede and replaced by the words "Subject to section 44B, every company" and "specified in Part I of ",

FA 2007 - Section 44 amended, by deleting the words "*the appropriate rate specified in Part II of the First Schedule"* and replacing them by the words *"the rate specified in the First Schedule";* in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

FA 2006 – Provision of section 44 amended by deleting the words *"the rate specified in Part II or Part III of the First Schedule, as the case may be"* and replacing them by the words *"the appropriate rate specified in Part II of the First Schedule"*; shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

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***44. Companies***

*Every company shall be liable to income tax on its chargeable income at the appropriate rate specified in Part II of the First Schedule.*

ITA 1995:-

*Every company shall be liable to income tax on its chargeable income at the rate specified in Part II or Part III*[(1)] *of the First Schedule, as the case may be.*

(1) The words "Part II or Part III" replaced "Part II, Part III or Part IV" by FA 2000. Effective as from year of assessment 2001-02.

280 FA 2015 – Section 44A repealed, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

***44A. Alternative minimum tax***

*(1)* [1]*Notwithstanding the other provisions of this Act, but subject to the other provisions of this section, where in the case of a company, the normal tax payable is less than 7.5 per cent of its book profit in an income year, the tax payable for that income year shall be deemed to be –*

*(a) 7.5 per cent of its book profit in respect of that year; or*

*(b) 10 per cent of the aggregate amount of any dividends declared and any amount distributed by way of shares in lieu of dividends in that year;*

*whichever is lesser.*

*(2) This section shall not apply -*

*(a) to a company which holds a Category 1 Global Business Licence under the Financial Services Act 2007 or which is exempt from the payment of income tax;*

*(b) where 10 per cent of the aggregate amount of any dividends declared and any amount distributed by way of shares in lieu of dividends by the company for the purposes of subsection (1) does not exceed the amount of the normal tax payable; or*

*(c) to a manufacturing company or a company operating a hotel in respect of income derived for the period 1 January 2013 to 31 December 2014.[2]**

*(3) Where a company derives gross income and any dividends, profits or gains referred to in subsection (4)(a) [3], any expenditure attributable to the production of the dividends, profits or gains shall be disallowed for the calculation of the book profit of the company for the purposes of this section.*

*(4) For the purposes of this section -*

*"**book profit**" means the profit computed in accordance with internationally accepted accounting practices -*

*(a) as reduced by -*

*(i) dividends receivable from resident companies;*

*(ii) profits on disposal or revaluation [4] of fixed assets; and*

*(iii) profits or gains from sale or revaluation of securities,*

*if any such item is credited to the profit and loss account; and*

*(b) as increased by -*

*(i) loss on disposal or revaluation of fixed assets; and*

*(ii) loss from sale or revaluation of securities,*

*if any such item is debited to the profit and loss account;*

*"**normal tax payable**" means the tax payable arrived at by multiplying the chargeable income of the company by the tax rate applicable to that company and after allowing for any credit to which the company may be entitled except a credit for any foreign tax.*

[1] Subsections 1 and 2 amended by FA 2005. Effective as from the year of assessment 2005-06. Previously -

*(1) Notwithstanding the other provisions of this Act, but subject to the other provisions of this section, where in the case of a company, the normal tax payable is less than 5 per cent of its book profit in an income year, the tax payable for that income year shall be deemed to be 5 per cent of its book profit or 10 per cent of any dividends declared in respect of that year, whichever is the lesser.*

*(2) This section shall not apply -*

*(a) in respect of an income year, to a company which has not declared any dividend for that year;*

*(b) to a company which is exempt from the payment of income tax; or*

*(c) where the amount representing 10 per cent of dividends declared by the company for the purposes of subsection (1) does not exceed the amount of the normal tax payable.*

[2] FA 2007 - Section 44A(2)(a) amended, by inserting immediately after the words "a company which", the words "holds a Category 1 Global Business Licence under the Financial Services Act 2007 or which" shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

FA 2005 :-

*(a) to a company which is exempt from the payment of income tax; or*

[3] FA 2012 – New paragraph (c) added, the full stop at the end of paragraph (b) being deleted and replaced by the words "; or" w.e.f. 22 December 2012.

[4] The words "subsection (4)(a)" replaced the words "subsection (4)(a)(i)" by FA 2005. Effective as from assessment year 2005-06.

FA 2006 – Subsection (1) amended shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

Section 44A added by FA 2004. Effective as from income year 2004-05.

*(1) Notwithstanding the other provisions of this Act, but subject to the other provisions of this section, where in the case of a company, the normal tax payable is less than 5 per cent of its book profit in an income year, the tax payable for that income year shall be deemed to be -*

*(c) 5 per cent of its book profit in respect of that year; or*

*(d) 10 per cent of the aggregate amount of any dividends declared and any amount distributed by way of shares in lieu of dividends in that year,*

*whichever is lesser.*

[281] FA 2019 – Section 44B amended, in the heading, the words "goods" deleted and replaced by the words "goods or manufacturing activities in a freeport zone" – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

FA 2017 - New section 44B inserted after section 44A shall be deemed to have come into operation on 1 July 2017.

[282] FA 2019 – Section 44B amended, new subsection (3) added – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[283] FA 2018 - New section 44C inserted after section 44B – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[284] FA 2023 – Subsection (1) amended, by deleting the words "Subject to subsections (2) and (3), every" and replacing them by the word "Every" w.e.f 20 July 2023.

[285] FA 2023 – Subsection (2) repealed, w.e.f 20 July 2023.

Previously was:

*(2) Where, in an income year, a bank has a chargeable income exceeding 1.5 billion rupees and –*

*(a) its chargeable income of the base year exceeds 1.5 billion rupees;*

*(b) its chargeable income exceeds that of its base year; and*

*(c) the bank satisfies the prescribed conditions,*

*it shall be liable to income tax on its chargeable income at the rate specified in Sub-part B of Part III of the First Schedule.*

[286] FA 2023 – Subsection (3) repealed, w.e.f 20 July 2023.

**Previously was:**

*(3) Where, in an income year, a bank has a chargeable income exceeding 1.5 billion rupees and –*

*(a) its chargeable income of the base year does not exceed 1.5 billion rupees;*

*(b) its chargeable income exceeds that of its base year; and*

*(c) the bank satisfies the prescribed conditions,*

*it shall be liable to income tax on its chargeable income at the rate specified in Sub-part C of Part III of the First Schedule.*

287 FA 2023 – Subsection (4) amended, by deleting the definition of "base year", w.e.f 20 July 2023.

**Previously was:**

*"**base year**" means –*

*(a) for a bank in operation as at 30 June 2018, the year of assessment 2017-2018;*

*(b) for a bank starting operation after 1 July 2018, the first year of assessment corresponding to a period of 12 months.*

288 FA 2021- New section 44D inserted after Section 44C – shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

289 FA 2024 – New subparagraph (2) inserted in Section 44D, shall come into operation in respect of the year of assessment commencing on 1 July 2025 and in respect of every subsequent year of assessment.

290 FA 2021- New section 44E inserted after Section 44D – shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

291 FA 2018 - Sections 45 (1) and 45A (2) amended, the words "Part I" deleted and replaced by the words "Part IV" - shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

FA 2007 - *Section 45 amended, by deleting the words "the rate specified in Sub-Part C of Part II of the First Schedule" and replacing them by the words "the rate specified in the First Schedule" in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.*

FA 2006 - *(1) Every trustee of a unit trust scheme shall pay income tax on its chargeable income at the rate specified in Sub-Part C of Part II of the First Schedule.*

FA 2006 – Subsection (1) amended by deleting the words "Part II of the First Schedule" and replacing them by the words "Sub-Part C of Part II of the First Schedule"; shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-
(*1*) *Every trustee of a unit trust scheme shall pay income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

292 The Securities Act 2005 – Subsection (4) added w.e.f 28.09.07.

[293] The Securities Act 2005 – New section 45A added w.e.f 28.09.07.

[294] FA 2018 - Sections 45 (1) and 45A (2) amended, the words "Part I" deleted and replaced by the words "Part IV" - shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

FA 2007 - Section 45A(2) amended by deleting the words "Part II of";
The Securities Act 2005 –
*(2) Every collective investment scheme authorised under the Securities Act 2005 shall pay income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

[295] FA 2011 – Section 45A(3)amended, the words "CIS manager" deleted and replaced by the word "scheme" w.e.f. 15 December 2011.

[296] FA 2007- Subsection (1) amended, by deleting the words "the rate specified in Sub-Part A of Part II of the First Schedule" and replacing them by the words "the rate specified in the First Schedule" in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.
FA 2006 – Subsection (1) amended by deleting the words "the rate specified in Part III of the First Schedule" and replacing them by the words "the rate specified in Sub-Part A of Part II of the First Schedule" shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(1) Subject to section 7 and subsections (2) and (3) of this section, every trust shall be liable to income tax on its chargeable income at the rate specified in Sub-Part A of Part II of the First Schedule.*

Section 46 amended by the Trusts Act 2001. Effective as from 1.12.2001 - Proclamation No.22 of 2001.

*(1) Subject to section 7 and subsections (2) and (3) of this section, every trust shall be liable to income tax on its chargeable income at the rate specified in Part III of the First Schedule.*

Previously ITA 1995 as amended -

**46. Trusts**

(1) (a) Subject to paragraph (b), every trust shall be liable to income tax on its chargeable income at the rate specified in **Part III** [(i)] of the First Schedule.
(b) A trust which is certified to be engaged in international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Act 1992 shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.[(ii)]

(2) The chargeable income under subsection (1) shall be the difference between -
(a) the net income derived by the trust; and
(b) the aggregate amount distributed to the beneficiaries under the terms of the trust deed.

(3) **Subject to subsection (4),**[(iii)] any amount distributed to the beneficiaries under the terms of the trust deed shall be deemed to be a charge under section 10(1)(d) and shall be liable to income tax in the hands of the beneficiaries.

(4) A non-resident beneficiary of a trust which is certified to be engaged in international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Act 1992 **shall be exempt from income tax in respect of his income from the trust.** [(iv)]

[(i)] The words "Part III" replaced "Part IV" by FA 2000. Effective as from year of assessment 2001-02.

(ii) Subsection (1) amended by FA 1997. Effective as from 1.7.1999. Previously ITA 1995 as amended -

(1) Every trust shall be liable to income tax on its chargeable income at the rate specified in Part IV of the First Schedule.

(iii) The words "Subject to subsection (4)," inserted by FA 1999. Effective as from 1.7.1999.

(iv) The words "shall be exempt from income tax in respect of his income from the trust" replaced "shall be liable to income tax in respect of his income from the trust at the rate specified in Part II of the First Schedule" by FA 1999. Effective as from 1.7.1999

297 FA 2018 - Subsection (1) amended, the words "Part I" deleted and replaced by the words "Part IV" - shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

FA 2017 - FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

298 FA 2018 - The words "Category 1" and "or a Category 2 Global Business Licence", respectively, deleted wherever they appear - shall come into operation on 1 January 2019.

FA 2007 – Subsection (2) amended, by deleting the words "the rate specified in Sub-Part C of Part II of the First Schedule" and replacing them by the words "the rate specified in the First Schedule" in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

FA 2006 – Subsection (2) amended by deleting the words "the rate specified in Part II of the First Schedule" and replacing them by the words "the rate specified in Sub-Part C of Part II of the First Schedule"; shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

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Subsection (2) amended by FA 2003. Effective as from year of assessment 2003/2004.

*(2) A trust*

*(a) of which the settlor is a non-resident or holds a Category 1 Global Business Licence or a Category 2 Global Business Licence under the Financial Services Development Act 2001 or another trust which qualifies under this subsection; and*

*(b) (i) of which all the beneficiaries appointed under the terms of the trust are, throughout an income year, non-residents or holds a Category 1 Global Business Licence or a Category 2 Global Business Licence under the Financial Services Development Act 2001; or*

(ii) which is a purpose trust under the Trusts Act 2001 and whose purpose is carried out outside Mauritius,

*shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

Previously as amended by Trust Act 2001.

A trust of which –

(a) the settlor is a non-resident; and

(b) all the beneficiaries appointed under the terms of the trust are, throughout an income year, non-resident, or hold a Category 1 Global Business Licence or a Category 2 Global Business Licence under the Financial Services Development Act 2001, shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule

299 FA 2017 - FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

[300] FA 2021- Subsection (3) repealed - shall be deemed to have come into operation on 1 July 2021.

*(3) Where a trust which qualifies under subsection (2) deposits a declaration of non-residence for any income year with the Director-General within 3 months after the expiry of the income year, it shall be exempt from income tax in respect of that income year.*

[301] FA 2011 – New subsection (4) added w.e.f. 15 December 2011.

FA 2006 – Subsection (4) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(4) The chargeable income under subsections (1) and (2) shall be the difference between -*

*(a) the net income derived by the trust; and*

*(b) the aggregate amount of income [(1)] distributed to the beneficiaries under the terms of the trust.*

[(1)] Subsection (4)(b) amended by FA 2003. The words "of income" inserted immediately after the words "the aggregate amount". Effective as from year of assessment 2003/2004.

[302] FA 2006 – Subsection (5) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(5) Any amount of income [(2)] distributed to the beneficiaries under the terms of the trust shall be deemed to be a charge under section 10(1)(d) and shall be liable to income tax in the hands of the beneficiaries.*

[(2)] Subsection (5) amended by FA 2003. The words "of income" inserted immediately after the word "amount". Effective as from year of assessment 2003/2004.

[303] FA 2006 – Subsection (6) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(6) Notwithstanding subsection (5), a non-resident beneficiary of a trust shall be exempt from income tax in respect of his income under the terms of the trust.*

[304] FA 2013 – Section 47(1) amended, the words "No resident" deleted and replaced them by the words "Subject to section 50L, no resident" - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

[305] FA 2006 – Subsection (5) repealed and replaced shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(5) Every associate of a société holding a Category 1 Global Business Licence under the Financial Services Development Act 2001 [(1)] shall be liable to income tax in respect of his share of income in that société at the rate specified -*

*(a) in Part I of the First Schedule where the associate is an individual, subject to a maximum rate of 15 per cent;*

*(b) in Part II of the First Schedule where the associate is a company.*

[(1)] The words "holding a Category 1 Global Business Licence under the Financial Services Development Act 2001" replaced "which is certified to be engaged in international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore

Business Activities Act 1992" by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001.

306 FA 2006 – Subsection (6) amended by deleting the words "the rate specified in Part II of the First Schedule" and replacing them by the words "the rate of 15 per cent" shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(6) Notwithstanding subsection (1), a société referred to in subsection (5) may, by notice in writing given simultaneously to the Commissioner and to the Commission established under the Financial Services Development Act 2001[(2)], opt to be liable to income tax at the rate specified in Part II of the First Schedule. [(3)]*

(2) The words "the Commission established under the Financial Services Development Act 2001" replaced "the Mauritius Offshore Business Activities Authority" by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001.

(3) The words "at the rate specified in Part II of the First Schedule" replaced "as a tax incentive company" by FA 2000. Effective as from year of assessment 2001-02.

307 FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

FA 2007 – section 47(7) amended by deleting the words "a rate specified in Sub -Part C or Sub - Part A of Part II of the First Schedule, as the case may be" and replacing them by the words "the rate specified in the First Schedule" in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

FA 2006 – Paragraph (b) amended by deleting the words "Part II or Part III of the First Schedule" and replacing them by the words "Sub-Part C or Sub-Part A of Part II of the First Schedule"shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(b) pay income tax on its chargeable income at a rate specified in Part II or Part III [(4)] of the First Schedule, as the case may be.*

(4) The words "Part III" replaced "Part IV" by FA 2000. Effective as from year of assessment 2001-02.

308 FA 2011 –New sections 48 and 49 inserted after section 47,in so far as it relates to section 48 of the Income Tax Act, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

FA 2006 – Section (48) deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

***48. Listed companies and subsidiaries of listed companies***

*(1) Where, on the appropriate date specified in subsection (2), a company was a listed company or a subsidiary of a listed company, that company shall be liable to income tax for any year of assessment -*

*(a) in the case where it is a tax incentive company, at the rate specified in Part II of the First Schedule; or*

*(b) in any other case, at the rate specified in Part III of the First Schedule.*

*(2) The appropriate date shall be -*

*(a) where section 118 applies, the date of the relevant annual balance of the company's accounts; or*

*(b) in any other case, the last day of the income year preceding that year of assessment.*

*(3) For the purposes of this section -*

*"listed company" means a company which has been admitted to, and has not been suspended or withdrawn from, the Official List; and*

*"subsidiary of a listed company" means a public company whose issued share capital is held by a listed company to the extent of at least 60 per cent.*

309 FA 2023 – Subsection (2) amended, by deleting the word "Where" and replacing it by the words "Subject to Subsection (3), where" , w.e.f 20 July 2023.

310 FA 2023 – New Subsection (3) inserted, w.e.f 20 July 2023.

311 THE VARIABLE CAPITAL COMPANIES ACT 2022 – new Section 48A inserted, shall come into operation on a date to be fixed by Proclamation.

312 FA 2023 – Subsection (2) amended, by inserting after the words "Variable Capital Companies Act 2022" the words "but subject to subsection (3)" , w.e.f 20 July 2023.

313 FA 2023 – New Subsection (3) inserted, w.e.f 20 July 2023.

314 FA 2018 – Section 49 repealed w.e.f 9 August 2018.

***49. Companies in the freeport zone***

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

*(2) Where a freeport operator or private freeport developer 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 Part I of 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 IncomeTax Regulations 1996.*

*(4) In this section -*

*"freeport operator" and "private freeport developer" have the same meaning as in the Freeport Act.*

FA 2011 –New sections 48 and 49 inserted after section 47,in so far as it relates to section 48 of the Income Tax Act, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment and w.e.f. 15 December 2011.

FA 2006 – Section (49) deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

**49. Companies in the freeport zone**

*(1) Subject to the other provisions of this section, a private freeport developer or freeport operator shall be exempt from income tax.*

*(2) Where a private freeport developer or freeport operator is authorised by virtue of its licence to carry out any specified manufacturing or processing activities, it shall, subject to subsection (3), be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

*(3) Where a private freeport developer or freeport operator referred to in subsection (2) is licensed prior to 1 June 2002 and is authorised to provide goods and services to a person outside the freeport zone -*

*(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 Part II of the First Schedule; but*

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

*(4) Where a private freeport developer or freeport operator, other than one referred to in subsection (2) or (3), is authorised to provide goods and services to a person outside the freeport zone, it shall be liable to income tax on its income from the provision of those goods and services -*

*(a) at the rate specified in Part II of the First Schedule where the sale is made to a company holding an investment certificate in respect of an export enterprise, or export service enterprise, under the Investment Promotion Act or to a duty free shop under the Customs Act; and* [1]

*(b) at the rate specified in Part III of the First Schedule, in any other case.*

*(5) Where a company is licensed to carry out activities as an occasional operator, it shall be liable to income tax on its income derived from those activities at the rate specified in Part III of the First Schedule.*

*(6) Every third party freeport developer shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

*(7) The chargeable income under subsections (2), (3) and (4) shall be computed in such manner as may be prescribed.*

*(8) In this section, "freeport operator", "occasional operator", "private freeport developer" and "third party freeport developer" means a company licensed as such under the Freeport Act 2004.*

[1] The words ", or export service enterprise, under the Investment Promotion Act or to a duty free shop under the Customs Act; and" replaced the words " under the Investment Promotion Act; and" by FA 2005. Effective as from assessment year 2005-06.

Section 49 amended by FA 2002. Effective as from year of assessment 2002-03. Previously ITA 1995 as amended -

**49. Companies in the freeport zone**

(1) Subject to subsection (2), the income derived by a company licensed under the Freeport Act 1992 shall be exempt from income tax.

(2) Where the company derives income from any activity outside the freeport zone -

(a) it shall be liable to income tax on its chargeable income in respect of that activity at the rate specified in **Part II or Part III**[(i)] **of the First Schedule, as the case may be;**[(ii)] and

(b) its chargeable income shall be computed in such manner as may be prescribed.

[(i)] The words "Part II or Part III" replaced "Part II, Part III or Part IV" by FA 2000. Effective as from year of assessment 2001-02.

[(ii)] The words "Part II, Part III or Part IV of the First Schedule, as the case may be" replaced "Part IV of the First Schedule" by FA 1999. Effective as from 1.7.1999

Section 49 amended by FA 2003. Effective as from year of assessment 2003/2004. Previously ITA 1995 as amended by FA 2002 --

**49. Companies in the freeport zone**

(1) A company licensed under the Freeport Act 2001 as -

(a) a private freeport developer shall be exempt from income tax;

(b) a third party freeport developer shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule;

(c) a freeport operator authorised by virtue of its licence to carry out any specified freeport processing activities shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule;

(d) a freeport operator authorised by virtue of its licence to carry out freeport activities other than those specified in paragraph (c) shall be exempt from income tax; or

(e) an occasional operator shall, subject to subsection (2), be liable to income tax on its chargeable income in respect of the activities covered by its licence at the rate specified in Part III of the First Schedule.

(2) The chargeable income under subsection (1)(e) shall be computed in such a manner as may be prescribed.

(3) Notwithstanding subsection (1)(c), a freeport operator referred to in that subsection and licensed on or before 1 June 2002 shall be exempt from income tax.

FA 2013 – Subsection (1) amended, the words "or private freeport developer" inserted after the word "operator" - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

FA 2013 – Subsection (2) amended, the words "or private freeport developer" inserted after the word "operator" - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment

FA 2011 –New sections 48 and 49 inserted after section 47,in so far as it relates to section 48 of the Income Tax Act, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment and w.e.f. 15 December 2011.

FA 2006 – Section (49) deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

**49. Companies in the freeport zone**

*(1) Subject to the other provisions of this section, a private freeport developer or freeport operator shall be exempt from income tax.*

*(2) Where a private freeport developer or freeport operator is authorised by virtue of its licence to carry out any specified manufacturing or processing activities, it shall, subject to subsection (3), be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

*(3) Where a private freeport developer or freeport operator referred to in subsection (2) is licensed prior to 1 June 2002 and is authorised to provide goods and services to a person outside the freeport zone -*

*(b) 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 Part II of the First Schedule; but*

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

*(4) Where a private freeport developer or freeport operator, other than one referred to in subsection (2) or (3), is authorised to provide goods and services to a person outside the freeport zone, it shall be liable to income tax on its income from the provision of those goods and services -*

*(b) at the rate specified in Part II of the First Schedule where the sale is made to a company holding an investment certificate in respect of an export enterprise, or export service enterprise, under the Investment Promotion Act or to a duty free shop under the Customs Act; and* [1]

*(b) at the rate specified in Part III of the First Schedule, in any other case.*

*(5) Where a company is licensed to carry out activities as an occasional operator, it shall be liable to income tax on its income derived from those activities at the rate specified in Part III of the First Schedule.*

*(6) Every third party freeport developer shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule.*

*(7) The chargeable income under subsections (2), (3) and (4) shall be computed in such manner as may be prescribed.*

*(9) In this section, "freeport operator", "occasional operator", "private freeport developer" and "third party freeport developer" means a company licensed as such under the Freeport Act 2004.*

[1] The words ", or export service enterprise, under the Investment Promotion Act or to a duty free shop under the Customs Act; and" replaced the words " under the Investment Promotion Act; and" by FA 2005. Effective as from assessment year 2005-06.

Section 49 amended by FA 2002. Effective as from year of assessment 2002-03. Previously ITA 1995 as amended -

**49. Companies in the freeport zone**

(1) Subject to subsection (2), the income derived by a company licensed under the Freeport Act 1992 shall be exempt from income tax.

(2) Where the company derives income from any activity outside the freeport zone -

(a) it shall be liable to income tax on its chargeable income in respect of that activity at the rate specified in **Part II or Part III**[(i)] **of the First Schedule, as the case may be;**[(ii)] and

(b) its chargeable income shall be computed in such manner as may be prescribed.

[(i)] The words "Part II or Part III" replaced "Part II, Part III or Part IV" by FA 2000. Effective as from year of assessment 2001-02.

[(ii)] The words "Part II, Part III or Part IV of the First Schedule, as the case may be" replaced "Part IV of the First Schedule" by FA 1999. Effective as from 1.7.1999

Section 49 amended by FA 2003. Effective as from year of assessment 2003/2004. Previously ITA 1995 as amended by FA 2002 --

**49. Companies in the freeport zone**

(1) A company licensed under the Freeport Act 2001 as -

(a) a private freeport developer shall be exempt from income tax;

(b) a third party freeport developer shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule;

(c) a freeport operator authorised by virtue of its licence to carry out any specified freeport processing activities shall be liable to income tax on its chargeable income at the rate specified in Part II of the First Schedule;

(d) a freeport operator authorised by virtue of its licence to carry out freeport activities other than those specified in paragraph (c) shall be exempt from income tax; or

(e) an occasional operator shall, subject to subsection (2), be liable to income tax on its chargeable income in respect of the activities covered by its licence at the rate specified in Part III of the First Schedule.

(2) The chargeable income under subsection (1)(e) shall be computed in such a manner as may be prescribed.

(3) Notwithstanding subsection (1)(c), a freeport operator referred to in that subsection and licensed on or before 1 June 2002 shall be exempt from income tax.

315 FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

THE FOUNDATIONS ACT 2012 – New section 49A inserted after section 49 w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

316 FA 2021 – Section 49A amended, subsection (2) repealed – shall be deemed to have come into operation on 1 July 2021.

*(2) A Foundation of which -*

*(a) the founder is a non-resident or holds a Global Business Licence under the Financial Services Act ; and*

*(b) all the beneficiaries appointed under the terms of a charter or a will are, throughout an income year, non-resident or hold a Global Business Licence under the Financial Services Act,shall be exempt from income tax in respect of that year.*

317 FA 2021- Section 49A amended, subsection (3) repealed – shall be deemed to have come into operation on 1 July 2021.

*(3) For the purpose of the exemption specified in subsection (2), any Foundation which qualifies under subsection (2) shall deposit a declaration of non-residence for any income year with the Director-General within 3 months from the expiry of the income year.*

318 FA 2015 – New section 49B inserted after section 49A w.e.f. 14 May 2015.

319 SME Act 2017 – Subsection (1) of Section 49B amended - The words "Small and Medium Enterprises Development Authority Act" deleted wherever they appear and replaced by the words "repealed Small and Medium Enterprises Development Authority Act or a scheme administered and managed by SME Mauritius Ltd –w.e.f 18 January 2018.

320 SME Act 2017 – Subsection (1) of Section 49B amended - The words "Small and Medium Enterprises Development Authority Act" deleted wherever they appear and replaced by the words "repealed Small and Medium Enterprises Development Authority Act or a scheme administered and managed by SME Mauritius Ltd –w.e.f 18 January 2018.

FA 2016 - Subsection (1)(a) amended, the words "*in respect of income derived from the activities relating to a project under a scheme referred to in section 5A of the Small and Medium Enterprises Development Authority Act*" inserted after the words "*income tax*" shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

321 SME ACT 2017 – Subsection(4) of Section 49B amended, the definition of "small company" deleted and replaced-w.e.f 18 January 2018.

*"small company" means –*

*(a) a company incorporated under the Companies Act and registered under the Small and Medium Enterprises Development Authority Act on or after 2 June 2015;*

*(b) a co-operative society set up on or after 2 June 2015 and registered under the Small and Medium Enterprises Development Authority Act.*

FA 2016 - Subsection (4) repealed and replaced shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

Previously:

4) *In this section*

*"small company" means a company –*

*(a) incorporated under the Companies Act; and*

*(b) registered under the Small and Medium Enterprises Development Authority Act,*

*on or after 2 June 2015.*

322 FA 2019 – New section 49C inserted after section 49B – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

323 FA 2021- New Section 49D inserted after Section 49C – w.e.f 05 August 2021.

324 FA 2020 – New subsection (1A) inserted after subsection (1) –shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

325 FA 2020 – New subsection (1B) inserted – shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

326 FA 2007 - Sub -Part AA of Part IV shall come into operation on 1 July 2008.

327 FA 2018 – Subsection (1) of Section 50A amended, the words ", *any company falling under section 73A*" inserted after the words "*non-resident sociétés*" - shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

THE FOUNDATIONS ACT 2012 – Subsection 1 amended , the word " Foundations," inserted after the words "protected cell company," w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

FA 2011 – Section 50A subsection (1) amended, the words "cells of a protected cell company," inserted after the words "collective investment schemes," shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

FA (No.2) 2009 - Section 50A (1) amended, the words "section 47(7)" deleted and replaced by the words "section 47(6)" w.e.f. 19.12.09.

328 FA 2018 – Subsection (1) of Section 50A amended, the words "Category 1" deleted - shall come into operation on 1 January 2019.

THE FOUNDATIONS ACT 2012 – Subsection 2 amended , the word " Foundation," inserted after the words "protected cell company," w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

FA 2011 – Section 50A subsection (2) amended, the words "cells of a protected cell company," inserted after the words "collective investment schemes," shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

FA (No.2) 2009 - Section 50A (2) amended, the words "section 47(7)" deleted and replaced by the words "section 47(6)" w.e.f. 19.12.09.

329 FA 2020 – Section 50B(1)amended, the word "electronically" inserted after the word "submit" and the words "and manner" deleted -w.e.f 7 August 2020.

FA (No.2) 2009 - The words "Every company" deleted and replaced by the words "Subject to subsection (2), every company" w.e.f. 19.12.09.

330 FA 2008 - Section 50B amended by deleting the words "income year" wherever they appear and

replacing them by the words " accounting year" shall be deemed to have come into operation on 1 July 2008.

331 FA 2015 – Subsection (1) amended, the words "from the end of the first quarter", "from the end of the second quarter" and "from the end of the third quarter" deleted and replaced by the words "from the end of the month in which the first quarter ends", "from the end of the month in which the second quarter ends" and "from the end of the month in which the third quarter ends", respectively w.e.f. 14 May 2015.

332 FA 2015 – Subsection (2) amended, the words "on 30 September" and "statement" deleted and replaced by the words "in the month of September" and "Statement", respectively w.e.f. 14 May 2015.
FA (No.2) 2009 - Subsection (2) added, the existing provision being numbered (1) accordingly w.e.f. 19.12.09.

333 FA 2015 – New subsection (2A) inserted after subsection (2) w.e.f. 14 May 2015.

334 FA 2010 – Section 50B amended , by adding, after subsection (2), the following new subsection (3) – w.e.f. 24.12.2010.

335 FA 2011 – New subsection (4) added, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

336 FA 2015 – Subsection (4)(a) amended, the figure "4" deleted and replaced by the figure "10" - shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2012 – Section 50B(4)(a) amended, the figure "2" deleted and replaced by the figure "4" shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

337 FA 2015 – New subsections (5), (6) and (7) added shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

338 FA 2015 – New subsections (5), (6) and (7) added shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

339 FA 2015 – New subsections (5), (6) and (7) added shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

340 FA 2008 -Section 50C amended by deleting the words "income year" wherever they appear and replacing them by the words " accounting year" shall be deemed to have come into operation on 1 July 2008.

341 FA 2023 – Subsection (1) amended, by deleting the words "Part II" and replacing them by the words "Part II, III", w.e.f 20 July 2023.

FA 2021- Section 50D amended, subsection (1) repealed and replaced – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

> *(1) Subject to subsection(2), the income tax payable under section 50B shall be calculated on the chargeable income ascertained under section 50C at the rate specified in Part IV of the First Schedule.*

FA 2018 – Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "Part I" deleted and replaced by the words "Part IV"- Shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

FA 2017 - Sections 45(1), 45A(2), 46(1) and (2), 47(7)(b), 49(2)(a), 49A(1) and 50D(1) amended the words "First Schedule" deleted and replaced by the words "Part I of the First Schedule" - shall be deemed to have come into operation on 1 July 2017.

342 FA 2015 – Subsection (2) of section 50D repealed, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

(2) Where a company has been subject to tax under section 44A in respect of an accounting year, the income tax payable in respect of an APS quarter shall, at the option of the company be -

(a) 25 per cent of the tax paid for that accounting year; or

(b) the amount of income tax computed on the chargeable income ascertained under section 50C(b).

FA 2008 - Section 50D amended by deleting the words "income year" wherever they appear and replacing them by the words " accounting year" shall be deemed to have come into operation on 1 July 2008

343 FA 2011 – Section 50E amended, new subsection (3) and (4) added, shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

344 FA 2007 - Sub -Part AB of Part IV shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

345 FA 2013 –Section 50H (1) repealed and replaced - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

*(1) Subject to this section, every bank shall, in every year be liable to pay to the Director-General a special levy calculated by reference to its book profit and its operating income derived during the preceding year at the rates specified in subsection (2).*

346 FA 2013 – Section 50H(2) amended, paragraph (b) repealed and replaced - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

| | | |
|---|---|---|
| (b) | 1 January 2013 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| | 1 January 2014 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| | 1 January 2015 and in respect of every subsequent year of assessment | 1.70 per cent on book profit; and<br>0.50 per cent on operating income |

FA 2012 – Section 50H(2) amended, paragraph (b) repealed and replaced w.e.f. 22 December 2012.

| | | |
|---|---|---|
| (b) | 1 January 2013 and in respect of every subsequent year of assessment | 1.70 per cent on book profit; and<br>0.50 per cent on operating income |

FA 2010 – Section 50H amended by repealing and replacing subsection (2) w.e.f 24.12.2010.

(2) The rates shall be in the year of assessment commencing on –

| | | |
|---|---|---|
| (a) | (i) 1 July 2009 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| | (ii) 1 January 2010 | 3.4 per cent on book profit; and<br>1.0 per cent on operating income |
| (b) | 1 January 2011 and in respect of every subsequent year of assessment | 1.70 per cent on book profit; and<br>0.50 per cent on operating income |

FA 2009 –Subsection (2) repealed and replaced w.e.f. 30 July 2009.
FA 2007 -

| | | |
|---|---|---|
| (a) | 1 July 2007 | 30 per cent of the rates specified in paragraph (b) |
| (b) | 1 July 2008 and in respect of every subsequent year of assessment | 1.70 per cent on book profit; and<br>0.50 per cent on operating income |

347 FA 2013 – New paragraph (c) added - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

348 FA 2013 – New paragraph (d) added - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

349 FA 2018 – Paragraph (e) amended, the words "and 1 July 2017" deleted and replaced by the words ", 1 July 2017 and 1 July 2018" - w.e.f 9 August 2018.

FA 2015 – Paragraph (e) of section 50H(2) repealed and replaced w.e.f. 14 May 2015.

*e) 1 January 2016 and in respect of every subsequent year of assessment, 1.70 per cent on book profit and 0.50 per cent on operating income.*

FA 2013 – New paragraph (e) added - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

350 FA 2018 –Paragraph (f) repealed w.e.f 9 August 2018.

*1 July 2018 and in respect of every subsequent year of assessment, 1.70 per cent on book profit and 0.50 per cent on operating income.*

FA 2015 – New paragraph added w.e.f. 14 May 2015.

351 FA 2013 – Subsection (4) amended, the words "No levy" deleted and replaced by the words "Except where levy is computed on chargeable income, no levy" - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

352 FA 2009 - Sub-Part AC and Sub-Part AD inserted w.e.f. 30 July 2009, in so far as it relates to sections 50K and 50L shall be deemed to have come into operation on 1 July 2009.

353 FA 2020 – The defintion of "book profit" deleted – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

354 FA 2020 – New definition inserted – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

355 FA 2020 – Subsection (1) amended, the word "book" deleted and replaced by the word "accounting" – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

356 FA 2018 – Subsection (2) amended, the words "1 July 2016 and 1 July 2017" deleted and replaced by the words "1 July 2016, 1 July 2017, 1 July 2018 and 1 July 2019" w.e.f 9 August 2018.

FA 2015 – Section 50J(2) amended, the words "and 1 January 2014" deleted and replaced by the words ", 1 January 2014, 1 January 2015, 1 July 2015, 1 July 2016 and 1 July 2017" w.e.f. 14 May 2015.

FA 2012 – Section 50J(2) amended, the words "1 January 2012 and 1 January 2013" deleted and replaced by the words "1 January 2012, 1 January 2013 and 1 January 2014" - w.e.f. 22 December 2012.

FA 2011 – Section 50J(2) amended by deleting the words "and 1 January 2012" and replacing them by the words ",1 January 2012 and 1 January 2013" w.e.f. 15 December 2011.

FA 2010 – Section 50J(2) amended by deleting the words "and 1 January 2010" and replacing them by the words ", 1 January 2010, 1 January 2011 and 1 January 2012" w.e.f 24.12.2010.

357 FA 2023 – Subsection (2A) amended, by deleting the words "and in respect of every subsequent year of assessment" and replacing them by the words ", 1 July 2021, 1 July 2022 and 1 July 2023" shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

FA 2020 – New subsection (2A) inserted after subsection (2) –shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

358 FA 2023 – New Subsection (2B) inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

359 FA 2023 – New Subsection (2C) inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

360 FA 2023 – Subsection (4) repealed shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

**Previously was:**

*(4) No levy shall be paid in a year, where, in the year immediately preceding that year, the operator has incurred a loss*

FA 2018 – Subsection (4) repealed and replaced w.e.f 9 August 2018.

*No levy shall be paid in a year where, in the preceding year -*

*(a) the operator incurred a loss; or*

*(b) the book profit of the operator did not exceed 5 per cent of its turnover.*

361 FA 2009 - Sub-Part AC and Sub-Part AD inserted w.e.f. 30 July 2009, in so far as it relates to sections 50K and 50L shall be deemed to have come into operation on 1 July 2009.

362 FA 2011 – Section 50K amended, the definition of "book profit" deleted- shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

FA (No.2) 2009 - The word "and" at the end of paragraph (a) deleted and added in paragraph (b) , after the words "profit and loss account;", shall be deemed to have come into operation on 1 July 2009.

FA (No.2) 2009 - New paragraph (c) added after paragraph (b) shall be deemed to have come into operation on 1 July 2009.

"**book profit**" means the profit computed in accordance with International Financial Reporting Standards, after income tax and -

(a) as reduced by profit on disposal or revaluation of fixed assets, where any such profit or revaluation is credited to profit and loss account;

(b) as increased by loss on disposal or revaluation of fixed assets, where any such loss or revaluation is debited to profit and loss account; and

(c) as adjusted by such profit or loss as may be prescribed.

*363* The Investment Promotion (Property Development Scheme)Regulations 2015, Section 50L (CSR Fund) of the Income Tax Act shall not apply to a PDS Company w.e.f 18 June 2015.

*364* THE FOUNDATIONS ACT 2012 – The definition of company amended , the words "a Foundation," inserted after the word "société," w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

365 FA 2019 - Section 50K amended, the words "Act" deleted at the end of paragraph (e) and replaced by the words "Act, in respect of income derived from export; and" – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

366 FA 2019 - Section 50K amended, new paragraph (f) added – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

367 FA 2013 - New definition inserted - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

*368* FA 2016 - Section 50L repealed and replaced w.e.f 7 September 2016.

Previously

***50L. CSR Fund***

(1) Every company shall in every year set up a CSR Fund equivalent to 2 per cent of its chargeable income of the preceding year to implement a CSR Programme in accordance with its own CSR

framework.[368] *

(2) **Repealed** [368]*

(3) **Repealed** [368]*

(4) Where, in respect of a year, the amount paid out of the CSR Fund under subsection (1) is less than the amount provided under the Fund, the difference shall be remitted to the Director-General at the time the company submits its return of income under section 116.

(4A) A company shall submit as an annex to its return of income a statement showing the amount of CSR spent and the details of CSR projects implemented by the company during the income year.[368]*

(5)[368]* Notwithstanding subsection (4), where, in respect of a year, the amount paid out of the CSR Fund is less than the amount provided for under subsection (1), the difference, to the extent of an amount not exceeding 20 per cent of the amount provided for under that subsection, may be allowed to be carried forward to the following year to form part of the CSR Fund for that following year.

(6) Where, in respect of a year, the amount paid out of the CSR Fund under subsection (1) exceeds the sum of the amount provided for under that Fund, the excess amount, to the extent of an amount not exceeding 20 per cent of the amount provided for under that subsection, may be allowed to be carried forward and offset in equal instalments against any amount to be remitted under subsection (4) in respect of the 5 succeeding years.

(7) The carry forward of any excess referred to in subsection (6) shall not apply to any excess arising in respect of more than 2 consecutive years.

(8) For the purposes of subsection (5), the amount provided under the CSR Fund in respect of a year shall include any amount brought forward to that year under that subsection to form part of the Fund for that year.

(9) This Sub-Part shall apply in all respects to a resident société, other than a resident société holding a Global Business Licence under the Financial Services Act, as it applies to a company, and its net income shall be deemed to be its chargeable income and any distribution of its net income shall, for the purposes of the Sub-Part, be deemed to be dividends.[368]*

FA 2015 – Subsection (1) repealed and replaced shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

***50L. CSR Fund***

*(1) Every company shall, in every year, set up a CSR Fund equivalent to 2 per cent of its chargeable income of the preceding year to*

*(a) implement an approved programme by the company;*

*(b) implement an approved programme under the National Empowerment*

*Foundation; or*

*(c) finance an approved NGO.*

FA 2011 – Subsection (1) amended , the words "2 per cent of its book profit derived during" deleted and replaced by the words "2 per cent of its chargeable income of" shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

FA 2015 – Subsections (2) and (3) repealed, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

(*2*) *A programme under subsection (1)(a) or (b) or an NGO under subsection (1) (c) shall be deemed to be an approved programme or an approved NGO, as the case may be, where it falls within the guidelines issued, with the approval of the Minister, by a committee set up under subsection (3).*

FA 2015 – Subsections (2) and (3) repealed, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

*(3) The committee referred to in subsection (2) shall be appointed by the Minister and shall consist of a Chairperson and not more than 9 other members comprising of representatives from the public sector, private sector and civil society.*

FA 2011 – Subsection (3) amended the figure "6" deleted and replaced it by the figure "9"- w.e.f. 15 December 2011.

FA 2015 – New subsection (4A) inserted after subsection (4), shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2015 – Subsection (5) amended, the words ", subject to the approval of the committee referred to in subsection (2)," deleted - shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2012 – New subsection (5) to subsection (8) added w.e.f. 22 December 2012.
FA 2013 – New subsection (9) added - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

**369** FA 2021 – Subsection (1) amended, the words "Every company" deleted and replaced by the words "Subject to subsection (1A), every company" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

**370** FA 2021- Subsection (1A) inserted after Subsection (1) - shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

**371** FA 2017 - Subsection (2) paragraph (a) repealed and replaced w.e.f 24 July 2017.

*(2) (a) Subject to subsection (9), an amount equal to the percentage of the CSR Fund, as specified in the following table, shall be remitted to the Director-General –*

| | *Percentage to be remitted to the Director-General* |
|---|---|
| *CSR Fund set up on or after 1 January 2017 up to 31 December 2017* | *At least 50%* |

| | |
|---|---|
| *CSR Fund set up on or after 1 January 2018* | *At least 75%* |

372 FA 2021 – Subsection (2)(b)(ii) amended, the words "and Part AA" inserted after the words "Part A" – w.e.f 05 August 2021.

373 FA 2017 - Subsection (4) amended the words "Subject to subsection (9), the amount" , deleted and replaced by the words "The amount" - w.e.f 24 July 2017.

374 FA 2019 - New subsection (5) inserted – shall be deemed to have come into operation on 1 July 2019.

*Note: No paragraph (5) exists in the Finance Act No. 18 of 2016.*

375 FA 2024 – Subsection (7) amended, by deleting the words "The Authority" and replacing them by the words "Subject to subsection (7A), the Authority" w.e.f 27 July 2024.

FA 2024 – Subsection (7) amended, by deleting the words "and the remaining amount to the National Social Inclusion Foundation w.e.f 27 July 2024.

FA 2023 – Subsection (7) amended, by inserting, after the word "remittance", the words "of 200 million rupees to the Solidarity Fund and the remaining amount" shall be deemed to have come into operation on 1 July 2023.

FA 2019 –Section 50L amended, the words "National CSR" deleted and replaced by the words "National Social Inclusion" –shall be deemed to have come into operation on 1 July 2019.

376 FA 2024 – New Subsection (7A) inserted after Subsection (7) w.e.f 27 July 2024.

377 FA 2024 – New Subsection (7B) inserted after Subsection (7A) w.e.f 27 July 2024.

378 FA 2024 – New Subsection (7C) inserted after Subsection (7B) w.e.f 27 July 2024.

379 FA 2017 - Subsection (9) repealed w.e.f 24 July 2017.

(*9*) (*a*) *The amount to be remitted to the Director-General shall be reduced by such amount as the company intends to spend in respect of an approved CSR programme which fits within the priority areas of intervention as specified in Part A of the Tenth Schedule.*

(*b*) *The amount to be remitted to the Director-General shall only be reduced where the company receives the prior written approval of the National CSR Foundation.*

380 FA 2018 – The following new subsections (10), (11) and (12) added w.e.f 9 August 2018.

381 FA 2020 – Section 50L(13) amended, the words "a company which is exempt under items 11, 11A,13, 26, 28 to 32 and 34 to 38 of Part II of Sub-part C of the Second Schedule and its net income shall be deemed to be its" deleted and replaced by the words "the exempt income of a company under items 11, 11A, 13, 26, 28 to 32 and 34 to 38 of Part II of Sub-part C of the Second Schedule and any other items in the Second Schedule as may be prescribed and that exempt income shall be included in its" w.e.f 7 August 2020.

FA 2018 – New subsection (13) added, shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

382 FA 2019- New subsection (14) added, shall de deemed to have come into operation on 1 July 2019.

383 FA 2019- New subsection (15) added, shall be deemed to have come into operation on 1 July 2019.

384 FA 2023 – New Subsection (16) inserted, w.e.f 20 July 2023.

[385] FA 2018 – New section 50LA inserted w.e.f 9 August 2018.

[386] FA 2018 – Section 50M repealed w.e.f 9 August 2018.

FA 2010 – New section "**50M. One-off charge on banks"** added w.e.f 24.12.2010.

(1) *Every bank, except the Development Bank of Mauritius Ltd, holding a banking licence under the Banking Act shall create a one-off charge in the year immediately preceding the year of assessment 2012 for an amount equivalent to 0.5 per cent of its turnover plus 1.25 per cent of its book profit relating to its banking transactions with persons, other than non-residents and corporations holding a Global Business Licence under the Financial Services Act in respect of the year of assessment 2011 to finance the new private equity fund referred to in the Ministry's document entitled 'Facing The Euro Zone Crisis and Restructuring for Long Term Resilience' and dated August 2010 and published as a General Notice in the Gazette of Thursday 9 December 2010, during the year immediately preceding the year of assessment 2012.*

*(2) Where the financing to the new private equity fund under subsection (1) is less than the one-off charge, the difference shall be remitted to the Director-General at the time the company submits its return of income for the year of assessment 2012 under section 116.*

*(3) For the purposes of this section –*

*"**book profit**" has the same meaning as in section 44A(4)*

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[387] FA2024 – New Sub-part AE inserted after Sub-part AD, w.e.f 27 July 2024.

[388] FA2024 – New Section 50N inserted w.e.f 27 July 2024.

[389] FA2024 – New Section 50O inserted w.e.f 27 July 2024.

[390] FA 2011 – Section 51 amended the words ", (f)" deleted - shall be deemed to have come into operation on 5 November 2011.

FA 2010 – Section 51 amended by deleting the words "and (f)" and replacing them by the words ", (f) and (g)" - shall come into operation on 1 January 2011.

FA 2006 – Section (51) amended by deleting the words "and (e)" and replacing them by the words "and (f)" shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
ITA 1995:-
***51. Income included in gross income***

*Subject to the other provisions of this Act, the gross income of a company shall include the income referred to in section 10(1)(b), (c), (d) and (e).*

[391] FA 2011 –Section 51A repealed shall be deemed to have come into operation on 5 November 2011.

FA 2010 – New section "**51A. Gains derived by company"** added - shall come into operation on 1 January 2011.
*The provisions of section 10A shall apply in all respects to a company as they apply to an individual.*

[392] FA2024 – Section 57 amended, the words "27DA" inserted after the words "24B" shall be deemed to have come into operation on 01 July 2024.

FA 2021 – Section 57 amended, the words " 24A and 24B and 27H" deleted and replaced by the words "24A, 24B,27H and 27J" – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessement.

FA 2020 – Section 57 amended, the words "and 24A" deleted and replaced by the words ",24A and 24B" – shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

Covid M A 2020 – Section 57 amended, the words "Section 18 and 24A" deleted and replaced by the words "Sections 18, 24A and 27H" – shall be deemed to have come into operation on 23 March 2020.

FA 2019- Section 57 amended, the words "and 24A" inserted after the words "section 18" – shall be deemed to have come into operation on 1 July 2019.

393 FA 2017 - Section 59 amended by numbering paragraph (a), paragraph (b), paragraph (c) and paragraph (d) as subsection (1), subsection (2), subsection (3) and subsection (4), respectively - shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

FA 2006 – Section (59) deleted and replaced shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
ITA 1995:-

***59. Losses***

*(1) (a) Where a company satisfies the Commissioner that it has in an income year incurred a loss, it may deduct that loss in computing its net income for that income year.*

*(b) Where the amount of a loss cannot be fully relieved under paragraph (a), the company may claim that the unrelieved amount of the loss be carried forward and set off against its net income derived in the following income year and in the succeeding years, subject to such conditions as may be prescribed.*

*(2) (a) Where a wholly owned subsidiary incorporated on or after 1 July 1993 which is a tax incentive company satisfies the Commissioner that it has in an income year incurred a loss, it may transfer in that income year any unrelieved loss to its holding company.*

*(b) Any unrelieved loss specified in paragraph (a) shall be deemed to be incurred by the holding company in the income year in which the loss is transferred and shall be available for set off against the income of the holding company.*

*(c) For the purposes of paragraphs (a) and (b), "wholly owned subsidiary" has the same meaning as in the Companies Act 1984.*

*(3) (a) Subject to paragraph (c), where a miller who is not also a planter satisfies the Commissioner that he has in an income year incurred a loss, he shall be entitled to transfer in that income year any unrelieved loss to a planter related to the miller in proportion to the share of direct or indirect interest of the planter with the miller or of the miller with the planter.*

*(b) Any unrelieved loss transferred under paragraph (a) shall be deemed to be incurred by the planter in the income year in which the loss is transferred and shall be available for set off against the net income of the planter.*

*(c) This subsection shall apply to any loss incurred in the year of assessment 1994-95 and thereafter.*

*(4)* [1] *(a) Where a subsidiary company which operates a business in the Island of Rodrigues satisfies the Commissioner that it has in an income year incurred a loss, it may transfer in that income year any unrelieved loss to its holding company in Mauritius.*

*(b) Any unrelieved loss transferred in accordance with paragraph (a) shall be deemed to be incurred by the holding company in the income year in which the loss is transferred and shall be available for set off against the net income of the holding company.*

*(5)* [2] *For the purposes of subsection (3), a planter is related to a miller where the planter is -*

*(a) the shareholder, other than an individual, of the miller;*

*(b) the holding company of the miller;*

*(c) the subsidiary of the miller;*

*(d) the subsidiary of the holding company of the miller; or*

*(e) the shareholder, other than an individual, of the holding company of the miller.*

*(6)* [3] *(a) Notwithstanding the other provisions of this Act -*

*(i) where a body of persons engaged in a specified activity sells or otherwise transfers, in an income year, its business to a company engaged in a specified activity, the body of persons may, in that income year, transfer any unrelieved loss to the company; or*

*(ii) where more than 50 per cent of the allotted shares of a body of persons engaged in a specified activity are sold or otherwise transferred in an income year to a company engaged in a specified activity, any unrelieved loss of the body of persons-*

*(A) shall be available in that income year to the body of persons for carry forward to the succeeding income year; or*

*(B) may be transferred to the company in proportion to its shareholding in the capital of the body of persons,*

*provided that the company or its holding company, as the case may be, satisfies the conditions specified in section 12 of the Sugar Industry Efficiency Act 2001.*[4]

[1] Subsection (4) added by FA 1999. Effective as from income year 1999-00.

[2] Previous subsection (4) renumbered (5) by FA 1999.

[3] Subsection (6) added by the Sugar Industry Efficiency Act 2001. Effective as from 17.9.2001 - Proclamation No. 15 of 2001.

[4] Paragraph (a) amended by FA 2002. Previously Sugar Industry Efficiency Act 2001-

*(a) Where a body of persons engaged in a specified activity sells or otherwise transfers in an income year its business to a company engaged in a specified activity, the body of persons may in that income year transfer any unrelieved loss to the company provided that the company is listed on the Stock Exchange and -*

*(i) has as shareholder the Trust established under the Sugar Industry Efficiency Act 2001, or any body controlled by the Trust or any specified entity; or*

*(ii) sells or otherwise transfers any of its lands at a nominal price of one rupee to the Trust established under the Sugar Industry Efficiency Act 2001, or any body controlled by the Trust or to any specified entity.*

*(b) Any unrelieved loss transferred under paragraph (a) shall be deemed to be incurred by the company in the income year in which the loss is transferred and shall be available for set-off against the net income of the company.*

*(c)* [1] *For the purposes of paragraph (a), "holding company" and "specified activity" have the same meaning as in section 25.*

*(7) [(2)] Where any question arises under this section -*

*(a) in relation to the quantum of losses available for set off or transfer;*

*(a) as to whether a planter is related to a miller; or*

*(c) as to any matter relating to the application of this section,*

*the question shall be determined by the Commissioner.*

[(1)] Paragraph (c) amended by FA 2002. Previously Sugar Industry Efficiency Act 2001 -

(c) For the purposes of paragraph (a), "**specified activity**" and "**specified entity**" have the same meaning as in section 25

[(2)] Previous subsection (5) renumbered (6) by FA 1999 & renumbered (7) by the Sugar Industry Efficiency Act 2001.

394 FA 2017 - The newly numbered subsection (3) repealed and replaced shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

*(3) The time limit of 5 years under paragraph (b) shall not apply for the carry forward of any amount of loss that is attributable to annual allowance claimed in respect of capital expenditure incurred on or after 1 July 2006.*

395 FA 2008 - Paragraph (d) added w.e.f 19 July 2008.

396 FA 2018 – Section 59 amended , new subsections (5) and (6) added w.e.f 9 August 2018.

397 Section 59A added by FA 2003. Effective as from year of assessment 2003/2004.

398 The words "or merger" added by FA 2005. Effective as from assessment year 2005-06.

268 Subsection (1) repealed and replaced by FA 2005. Effective as from assessment year 2005-06. Previously -

*(1) Notwithstanding the other provisions of this Act, where a company takes over another company engaged in manufacturing activities, any unrelieved loss of the acquiree may be transferred to the acquirer in the income year in which the takeover takes place, on such conditions relating to safeguard of employment as may be approved by the Minister.*

400 FA 2016 - Subsection (1) of section 59A amended,

*(i)* New paragraph (c) added

(ii) The words "*or on such other terms and conditions*" inserted after the words "*safeguard of employment*" shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

401 FA 2019- Subsection (3) amended, the words "subsection (1)" deleted and replaced by the words "subsections (1) and (3A)"- shall be deemed to have come into operation on 1 July 2018.

Subsections (3) and (4) repealed and replaced by FA 2005. Effective as from assessment year 2005-06.

Previously –

*(3) Where, at any time before the expiry of 3 years from the date of the takeover or merger, more than 50 per cent of the number of employees of the acquiree taken over by the acquirer or of the employees of both the acquiree and the acquirer, as the case may be, are made redundant, any loss transferred under subsection (1) shall be withdrawn and the amount of the loss so withdrawn shall be deemed to be the gross income of the acquirer in the income year in which the employees are made redundant.*

*(4) For the purposes of this section -*

*(a) "acquiree" means a company which is dissolved after its assets and liabilities are taken over by the other company;*

*(b) "acquirer" means a company which has taken over another company.*

402 FA 2019- Subsection (3A) repealed and replaced –shall be deemed to have come into operation on 1 July 2018.

Previously:

Notwithstanding section 59(2), where there is a change in the shareholding of more than 50 per cent in a manufacturing company that has accumulated unrelieved losses, the losses may be carried forward, provided the Minister –

(a) certifies the change in the shareholding is in the public interest; and

(b) is satisfied that the conditions relating to safeguard of employment are complied with.

403 FA 2016 - The definition of "acquiree" amended, the words "and which is dissolved" deleted - shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

404 FA 2016 - New section 59B inserted after section 59A w.e.f 7 September 2016.

405 SME Act 2017- Section 60(1)(b) amended, subparagraph (i) repealed and replaced w.e.f 18 January 2018.

*(i) a small and medium enterprise under the Small and Medium Enterprises Development Authority Act 2009; and*

406 FA 2011 – Section 60(1) amended, paragraph (b) repealed and replaced - shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

*(b) in the case of banks, the amount of any irrecoverable loan due by a company in liquidation in respect of which winding-up procedures have started.*

FA 2006 – Paragraph (b) deleted and replaced shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.. ITA 1995:-

*(b) in the case of banks or of financial institutions as may be approved by the Minister -*

*(i) the amount of any irrecoverable loan due by a company in liquidation in respect of which winding-up procedures have started; and*

*(ii) the amount of a specific loan due by a tax incentive company and which is considered to be a bad and irrecoverable debt, subject to a prescribed limit.*

407 FA 2017 - New subsections 64 and 65 inserted after section 63 - shall be deemed to have come into operation on 1 July 2017.

FA 2006 – Section (64) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..
ITA 1995:-

***64. Investment allowance***

*The provisions of section 25 shall apply in all respects to a company as they apply to an individual.*

408 FA 2006 – Section (64A) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

Section 64A added by FA 2000. Effective as from year of assessment 2001-02.

***64A. Additional investment allowance***

*(1) Subject to the other provisions of this section, where -*

*(a) a manufacturing company has incurred capital expenditure on the acquisition of state-of-the-art technological equipment; or*

*(b) an ICT company has incurred capital expenditure on the acquisition of new plant and machinery or computer software,*

*it shall, in addition to the deduction to which it may be entitled under section 64, be allowed a deduction of 25 per cent of the capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred.*[(1)]

*(2) No deduction under subsection (1) shall be allowed in respect of expenditure incurred –*

*(a) in the acquisition of a road vehicle; or*

*(b) in the case of a manufacturing company, on or after 1 July 2008.*[(2)]

*(2A)*[(3)] *The deduction allowable under subsection (1) to a manufacturing company in respect of capital expenditure incurred on or after 1 July 2005 shall be at the rate of -*

*(a) 20 per cent of the capital expenditure incurred in the income year ending on 30 June 2006;*

*(b) 15 per cent of the capital expenditure incurred in the income year ending on 30 June 2007; and*

*(c) 10 per cent of the capital expenditure incurred in the income year ending on 30 June 2008.*

*(3) No investment allowance shall be allowed under this section where, before the expiry of 5 years from the date on which the expenditure was incurred –*

*(a) the equipment is sold, scrapped or ceases to be used for the purposes of the business carried on by the company; or*

*(b) the business carried on by the company is permanently discontinued.*

*(4) Where a deduction has been allowed under this section and any of the events specified in subsection (3) occurs, the deduction allowed shall be withdrawn and the amount of the deduction so withdrawn shall be deemed to be the gross income of the company in the income year in which the event occurs.*

[(1)] ubsection (1) amended by FA 2002. Effective as from year of assessment 2002-03. Previously FA 2000 - year of assessment 2001-02 -

*(1) Subject to the other provisions of this section, where a manufacturing company has incurred capital expenditure on the acquisition of state-of-the-art technological equipment, it shall, in addition to the deduction to which it may be entitled under section 64, be allowed a deduction of 25 per cent of the*

*capital expenditure so incurred by way of investment allowance in respect of the income year in which the expenditure is incurred.*

[(2)] The words "in the case of a manufacturing company, on or after 1 July 2004" replaced "on or after 1 July 2002" by FA 2002.
The words "1 July 2004" replaced by "1 July 2008" by FA 2004. Effective as from asst. year 2005/06.
[(3)] Paragraph (2A) added by FA 2004. Effective as from assessment year 2005/06.

[409] FA 2017 - New subsections 64 and 65 inserted after section 63 - shall be deemed to have come into operation on 1 July 2017.

FA 2006 – Section (65) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..
ITA 1995:-

***65. Pre-operational expenses of tax incentive companies***

*Where a company incorporated on or after 1 July 1993, being a tax incentive company, has incurred pre-operational expenses, it shall be allowed a deduction from its gross income of the expenses so incurred.*

[410] FA 2018 –New section 65A inserted after section 65 w.e.f 9 August 2018.

[411] FA 2021 –New section 65B inserted after section 65A – shall be deemed to have come into operation on 1 July 2021.

[412] FA 2024 – New Section 65C inserted after Section 65B – shall be deemed to have come into operation on 01 July 2024.

[413] FA 2023 – New Section (66) inserted shall be deemed to have come into operation on 1 July 2023.

FA 2006 – Section (66) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..
ITA 1995:-

***66. Contributions to road fund***

*A company which derives gross income specified in section 10(1)(b) may, in an income year, deduct from its gross income any expenditure incurred in that income year on contributions to any road fund approved by the Minister or set up under any enactment.*

[414] FA 2024 – New section 66A inserted after section 66 – shall be deemed to have come into operation on 01 July 2024.

[415] FA 2018 –New section 67 inserting, after section 66 w.e.f 9 August 2018.

FA 2006 – Section (67) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

ITA 1995:-

***67. Donations to charitable institutions***

*(1) Subject to subsection (2), every company shall, in an income year, be allowed a deduction from its gross income in that income year in respect of any donation made to a charitable institution.*

*(2) The deduction allowable under subsection (1) shall not, in the aggregate, exceed 400,000 rupees* [(1).]

[1] The words “200,000 rupees” replaced “100,000 rupees” by FA 2000. Effective as from year of assessment 2001-02.
The words “200,000 rupees” replaced by “400,000 rupees” by FA 2004. Effective as from assessment year 2005-06.

416 FA 2023 – Section (67)(1)(a) amended, by inserting, after the words “a crèche”, the words “or the cost of setting up a Child Day Care Centre” shall be deemed to have come into operation on 1 July 2023.

417 FA 2023 – Subsection (b) amended, by inserting, after the words “a crèche” and “that crèche”, the words “or Child Day Care Centre” shall be deemed to have come into operation on 1 July 2023.

418 FA 2011 –Section 67A repealed, shall come into operation on 1 January 2012.

Section 67A added by FA 1997. Effective as from year of assessment 1997-98.

***67A. Marketing and promotional expenses***

*A company engaged in tourism or export activities may, in an income year, deduct from its gross income twice the amount of any expenditure incurred in that income year on overseas marketing, export promotion including participation in international trade fairs, overseas advertising and preparation of tenders for the export of goods or services.*

419 FA 2006 – Section (67B) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

ITA 1995:-

*(1)[1] Subject to subsection (2), where in respect of an income year, a company proves to the satisfaction of the Commissioner that it has incurred expenditure on contributions to any sport club, Sport Federation, Multisport Organisation, the Trust Fund for Excellence in Sports established under the Finance and Audit (Trust Fund for Excellence in Sports) Regulations 2002 or any sport training centre set up by Government, it shall be allowed, in that income year, a deduction from its gross income in respect of the expenditure so incurred.*

*(2) The deduction allowable under subsection (1) shall not, in the aggregate exceed one million rupees.*

*(3)[2] For the purposes of this section, "sport club", "Sport Federation" and "Multisport Organisation" have the same meaning as in the Sport Act 2001.*

Section 67B amended by FA 1998. Effective as from year of assessment 1998-99. Previously FA 1997 - year of assessment 1997-98 -

***67B. Contributions to sports clubs and sports training centres***

*(1) Subject to subsection (2), every company shall, in an income year, be allowed a deduction from its gross income in respect of any expenditure incurred in that income year on contributions to any sports club, or sports training centre set up by Government, certified by the Ministry of Youth and Sports as being a sports club or a sports training centre in that income year.*

*(2) The deduction allowable under subsection (1) shall not, in the aggregate, exceed 500,000 rupees.*

*[1] Subsection (1) repealed and replaced by FA 2004. Effective as from 17 August 2004. Previously was*

*(1) Subject to subsection (2), where in respect of an income year, a company proves to the satisfaction of the Commissioner that it has incurred expenditure on contributions to any sport club, sport federation, multisport federation, or sport training centre set up by Government, it shall be allowed, in that income year, a deduction from its gross income in respect of the expenditure so incurred.*

*[2] Subsection (3) repealed and replaced by FA 2004. Effective as from 17 August 2004. Previously was:*

*(3) For the purposes of this section, "**sport club**", "**sport federation**" and "**multisport federation**" have the same meanings as in the Physical Education and Sport Act 1984.*

420 FA 2006 – Section (67C) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

ITA 1995:-

***67C. Contributions to the National Solidarity Fund and Prime Minister's Children's Fund***[5]

*The provisions of section 37B shall apply in all respects to a company as they apply to an individual.*

[5] Section 67C added by FA 1997. Effective as from year of assessment 1997-98.
Section 67C retitled by FA 2004. Effective as from Assessment year 2005-06. Previously was:
**67C.Contributions to the National Solidarity Fund**

Section 67C added by FA 1997. Effective as from year of assessment 1997-98.
Section 67C retitled by FA 2004. Effective as from Assessment year 2005-06. Previously was:
**67C.Contributions to the National Solidarity Fund**

421 FA 2006 – Section (67D) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

ITA 1995:-

***67D. Contributions to employees' share scheme***[1]

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

[1] Section 67D added by FA 1999. Effective as from income year 1999-00.

Section 67D added by FA 1999. Effective as from income year 1999-00.

422 FA 2006 – Section (67E) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

ITA 1995:-

***67E. Investment in start-up companies***[2]

*(1) Where a company has subscribed in an income year to the share capital issued by a start-up company within 24 months of the date of the incorporation of the start-up company, the company shall be allowed in that income year and in each of the 2 succeeding income years a deduction from its gross income at the rate of 33 1/3 per cent of the amount so invested.*

*(2) No deduction under this section shall be allowed where a tax credit has been allowed under section 69 in respect of the same investment.*

*(3) For the purposes of this section, a company incorporated under the Companies Act 1984 and engaged in the development and provision of services in respect of information technology, telecommunications and multimedia development shall be regarded as a start-up company for a period of 24 months as from the date of its incorporation, provided that more than half of the voting power at a general meeting is controlled by individuals who are the promoters of the company and have conceived the business project for which the company has been set up.*

423 FA 2006 – Section (67F) and (67G) repealed shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment..

ITA 1995:-

***67F. Expenditure incurred in the setting up of social infrastructure***[3]

*Every company shall, in an income year, be allowed a deduction from its gross income in respect of any expenditure incurred in that income year for the setting up of such social infrastructure for the benefit of the community, as may be approved by the Minister.*

***67G. Contributions to the national ambulance services***[3]

*Every company shall, in an income year, be allowed a deduction from its gross income in respect of any contribution made in that income year towards the provision of national ambulance services.*

[424] FA 2019 – Section 67H inserted after section 67G , shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[425] FA 2019– Section 67J inserted after section 67H, shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[426] FA 2020 – Section 67K inserted after section 67J- shall come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

[427] FA 2021 – New section 67L inserted after section 67K – shall be deemed to have come into operation on 1 July 2021.

[428] FA 2022 – Section 67L being amended, by numbering the existing provision as subsection (1) and in the newly numbered subsection (1) by deleting the words "50 million rupees" and replacing them by the words "100 million rupees" and by deleting the words "of 10 per cent", shall come into operation in respect of the year of assessment commencing on 1 July 2023 and in respect of every subsequent year of assessment.

[429] FA 2022 – Section 67L being amended, new subsection (2) added, shall come into operation in respect of the year of assessment commencing on 1 July 2023 and in respect of every subsequent year of assessment.

[430] FA 2021 – New section 67M inserted after section 67K – shall be deemed to have come into operation on 1 July 2021.

[431] FA 2021 – New section 67N inserted after section 67K – shall be deemed to have come into operation on 1 July 2021.

[432] FA 2023 – Section (67P) heading amended, by deleting the words "for African market" shall be deemed to have come into operation on 1 July 2023.

FA 2021 – New section 67P inserted after section 67K – shall be deemed to have come into operation on 1 July 2021.

[433] FA 2023 – Subsection (1) amended, by inserting, after the words "manufacturing company", the words "having an annual gross income derived from exports of goods not exceeding 500 million rupees"; and by deleting the words "for the African market" shall be deemed to have come into operation on 1 July 2023.

[434] FA 2023 – New Section (67Q) inserted, shall be deemed to have come into operation on 1 July 2023.

[435] FA 2023 – New Section (67R) inserted, shall be deemed to have come into operation on 1 July 2023.

[436] FA 2024 – New Section 67S inserted after Section 67R, shall be deemed to have come into operation on 01 July 2024.

[437] FA 2006 – Sub-Part D deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
ITA 1995:-

***Sub-Part D - Tax Credits***

***69. Investment tax credit***

*(1)*[(1)] *Subject to the other provisions of this section and to section 72, where a company has subscribed in an income year to the share capital issued by a company which is listed on the Stock Exchange or an equity fund*[(2)] *or an authorised mutual fund*[(3)]*, it shall be allowed a tax credit by way of deduction from its income tax otherwise payable for that income year and for each of the 2 subsequent income years of an amount equal to 10 per cent of the amount actually paid in cash.*

*(2)*[4] *No deduction under subsection (1) shall-*

*(a) in any one income year exceed 300,000 rupees; or*

*(b) be allowed where a company has claimed an exemption under item 14 of Part IV of the Second Schedule in respect of the same investment.*

*(3) Where -*

*(a) the shares or any part of the shares are sold or transferred; or*[5]

*(b)*[5]

*(c) the company[, other than an authorised mutual fund,]*[6] *reduces its capital and makes a repayment to the shareholder,*

*no tax credit under this section in respect of those shares or any part thereof shall be allowed by way of deduction for the income year in which the sale, transfer, cessation or repayment takes place.*

*(4) This section shall not apply to a company which is a tax incentive company.*

[1] Subsection (1) of Section 67B amended by FA 2004. Words "a company which is a tax incentive company or" deleted. Effective as from assessment year 2005-06.

[2] The words "or an equity fund" inserted by FA 2002.

[3] The words "or an authorised mutual fund" added by FA 2005. Effective as from assessment year 2005-06.

[4] Subsection (2) amended by FA 2000. Effective as from year of assessment 2001-02. Previously ITA 1995 as amended -

(2) No deduction under subsection (1) shall in any one income year exceed 300,000 rupees.

[5] Subsection (3) amended by FA 2004. The word "or" added to paragraph (a) and paragraph (b) deleted. Effective as from assessment year 2005-06.

[6] The words ", other than an authorised mutual fund," deleted by FA 2005. Effective as from assessment year 2005-06.

[438] FA 2006 – Sub-Part D deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

***69A*[1]*.Special tax credit for investment in qualifying*[2] *companies***

*(1) Subject to the other provisions of this section, where a company has subscribed in an income year to the stated capital of a qualifying*[2] *company of an amount exceeding 60 million rupees or at least 20 per cent of the stated capital, whichever is the higher, it shall be allowed a tax credit by way of deduction from its income tax otherwise payable for the income year immediately preceding the income year in which the shares were acquired and at the option of the company -*

*(a) for each of the 3 subsequent income years, of an amount equal to 15 per cent of the amount actually paid in cash; or*

*(b) for each of the 5 subsequent income years, of an amount equal to 10 per cent of the amount actually paid in cash.*

*(2) Subject to subsection (3), where the deduction under subsection (1) in respect of an income year exceeds the amount of income tax otherwise payable for that income year, the excess may be carried forward to the following income year.*

*(3) No deduction under subsection (2) in respect of an investment shall be carried forward beyond a period of 5 consecutive income years starting from the income year in which the investment was made.*

*(4) Where a deduction has been allowed under this section and the qualifying[2] company has not started operations by 30 June 2006, the deduction allowed shall be withdrawn and the total amount of tax credit claimed shall be deemed to be income tax payable to the Commissioner in the income year following the income year ending 30 June 2006.*

*(5) Where -*

*(a) the shares or any part of the shares are sold or transferred;*

*(b) the qualifying[2] company reduces its capital and makes a repayment to the shareholder; or*

*(c) the trade carried on by the qualifying[2] company is permanently discontinued,*

*no tax credit under this section in respect of those shares or any part thereof shall be allowed by way of deduction for the income year in which the sale, transfer, repayment or cessation takes place.*

*(6) No deduction under this section shall be allowed where a company has claimed a deduction under section 69 in respect of the same investment.*

*(7)[3] For the purposes of this section, "qualifying company" means a company set up for the purpose of operating a spinning, weaving or dyeing factory.*

[1] Section 69A added by FA 2003. Effective as from year of assessment 2003/2004.

[2] The word "qualifying" replaced the word "spinning" by FA 2005. Effective as from assessment year 2005-06.

[3] Subsection (7) added by FA 2005. Effective as from assessment year 2005-06.

439 FA 2006 – Sub-Part D deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

***70. Tax credit to modernisation and expansion enterprises***

*(1) Subject to the other provisions of this section and to section 72, where a company which is the holder of an investment certificate in respect of a modernisation and expansion enterprise, issued under the Investment Promotion Act 2000 [1] has incurred capital expenditure, of not less than 10,000,000 rupees within 2 years from the date of the issue of the certificate, on the acquisition of new plant and equipment or technology for modernisation and expansion, it shall be allowed a tax credit by way of deduction from the income tax otherwise payable by it of an amount equal to 10 per cent of the capital expenditure so incurred.*

*(2) The tax credit under subsection (1) may be spread in such manner as the company may opt for over a period of 3 years starting from the income year in which the expenditure was incurred.*

*(3) Where a tax credit under subsection (1) has for any income year been allowed and within 5 years following that income year -*

*(a) the company ceases to be engaged wholly or mainly in the qualifying activity; or*

*(b) the company sells or otherwise transfers the new plant and equipment or technology,*

*an amount equal to the tax credit or the proportionate part of the tax credit allowed under this section shall be included in the income tax payable by the company in the income year in which the cessation, sale or transfer takes place.*

*(4) The tax credit allowed under this section shall be in addition to the allowances to which the company is entitled under sections 63 and 64.*

*(5) For the purposes of this section, "qualifying activity" has the meaning assigned to it in the Industrial Expansion Act 1993.*

*(6) This section shall not apply to a company which is a tax incentive company.*

(1) The words "an investment certificate in respect of a modernisation and expansion enterprise, issued under the Investment Promotion Act 2000" replaced "a modernisation and expansion enterprise certificate under the Industrial Expansion Act 1993" by FA 2001. Effective as from income year 2001-02.

440 FA 2006 – Sub-Part D deleted shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

***71. Tax credit for exports***

*(1) Subject to subsection (2) and to section 72, every company, engaged in the export of goods which are manufactured or produced in Mauritius or in the provision of services to a non-resident, shall, in an income year, be allowed a tax credit by way of deduction from the income tax otherwise payable by the company in that income year of such amount as may be prescribed.*

*(2) Subsection (1) shall not apply to a company which is a tax incentive company.*

***72. Limitation to tax credits***

*Where, in an income year, the amount of income tax otherwise payable by a company after deducting the aggregate amount of tax credits specified in sections 69, 70 and 71 -*

*(a) exceeds 15 per cent of its chargeable income, the aggregate amount of tax credits shall be allowed as a deduction; or*

*(b) does not exceed 15 per cent of its chargeable income, the aggregate amount of tax credits shall be limited to such amount that would not reduce the tax payable after deducting that amount to less than 15 per cent of the chargeable income of the company.*

441 FA 2006 – Existing provision numbered (1) w.e.f 07.08.06.

442 Paragraph (a) amended by FA 1997. Effective as from income year 1996-97. Previously ITA 1995 as amended -

(a) an individual, means a person who has been present in Mauritius -
(i) in that income year, for a period of, or an aggregate period of, 183 days or more; or
(ii) in that income year and the 2 preceding income years, for an aggregate period of 270 days or more;

443 THE FOUNDATIONS ACT 2012 – New paragraph (da) inserted w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

444 FA 2006 – Subsection (2) added w.e.f 07.08.06.

445 FA 2012 – Section 73(3) amended, the words ", and paid such service fee as may be prescribed" added w.e.f. 22 December 2012.

FA 2006 – Subsection (3) added w.e.f 07.08.06.

446 FA 2019 - Section 73A amended, subsection (1) repealed and replaced, shall be deemed to have come into operation on 1 July 2019.

Previously:

(1) Notwithstanding section 73, a company which is incorporated in Mauritius shall be treated as non-resident if its place of effective management is situated outside Mauritius.

FA 2018 – Section 73A repealed and replaced - shall come into operation on 1 October 2018.

***73A. Residence in the case of company holding a Category 2 Global Business Licence***

*A company holding a Category 2 Global Business Licence or a special purpose fund established under the Financial Services Act 2007 shall not be resident for the purposes of section 76.*

FA 2012 – Section 73A amended, the words "or a special purpose fund established" inserted after the word "Licence" w.e.f. 22 December 2012.

Section 73A added by the Companies Act 2001. Effective as from 1.12.2001 - Proclamation No. 21 of 2001.

447 FA 2022 – Section 73B amended, by repealing subsection (4), w.e.f 02 August 2022.

Previously:

(4) In this section –

"**premium visa**" means a visa issued by the passport officer to a non-citizen on the recommendation of the Economic Development Board established under the Economic Development Board Act.

FA 2021 – New Section 73B inserted after section 73A – shall be deemed to have come into operation on 1 November 2020.

448 FA 2008 - Section 74(1) amended by inserting after paragraph (a), paragraph (aa)- shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

449 FA 2021- Section 74(1)(f) amended, the words " in a company resident in Mauritius" inserted after the words "shares" - shall come into operation in respect of the year of assessement commencing on 1 July 2022 and in respect of every subsequent year of assessement.

450 The word "and" added and the word "; and" deleted by FA 2001.Effective as from income year 200102.

Paragraph (j) deleted by FA 2001. Effective as from income year 2001-02. Previously ITA 1995 as amended -

*(j) income derived from outside Mauritius by a resident of Mauritius.*

452 FA 2022 – new section 74A added, w.e.f 02 August 2022.

453 FA 2021- Section 75 amended, the words "or from Mauritius" inserted after the words "in Mauritius" wherever they appear – we.f 05 August 2021.

454 FA 2021- Section 75 amended, the words "or from Mauritius" inserted after the words "in Mauritius" wherever they appear – we.f 05 August 2021.

455 FA 2021- Section 75 amended, the words "or from Mauritius" inserted after the words "in Mauritius" wherever they appear – we.f 05 August 2021.

456 FA 2021- Subsection (1A) inserted after subsection (1) –w.e.f 05 August 2021.

457 FA 2021- Subsection (2) amended, the words " or from Mauritius" inserted after the words "in Mauritius"-w.e.f 05 August 2021.

458 FA 2022 - The heading amended by deleting the heading and replaced, w.e.f 02 August 2022.

Previously:

***76. Arrangements for relief from double taxation and for the exchange of information***

FA 2009 – The heading amended by adding the words "and for the exchange of information", after the words "double taxation" w.e.f. 30 July 2009.

459 FA 2015 – Paragraph (a) of subsection (1) of section 76 amended, the words "income tax" deleted and replaced by the words "taxes of every kind and description covered under the arrangement; or " w.e.f. 14 May 2015.

FA 2009 – Subsection (1)(a) amended by deleting the word "and" appearing at the end and replacing it by the word "or" w.e.f. 30 July 2009.

460 FA 2015 – Subparagraph (i) amended, the words "income tax and foreign tax" deleted and replaced by the words "taxes of every kind and description, and foreign tax covered under the arrangement; or" w.e.f. 14 May 2015.

461 FA 2015 – Subparagraph (iii) repealed w.e.f. 14 May 2015.

*(iii) in the administration of the laws in relation to income tax and foreign tax.*

462 FA 2015 – New paragraph (c) added w.e.f. 14 May 2015.

463 FA 2022 - Subsection (1) amended, by adding paragraph (d), the full stop at the end of paragraph (c) being deleted and replaced by a semicolon and the word "or" at the end of paragraphs (a) and (b) being deleted, w.e.f 02 August 2022.

464 FA 2022 - Subsection (1) amended, by adding paragraph (e), w.e.f 02 August 2022.

465 FA 2015 – Subsections (2) and (3) amended , the words "income tax" deleted and replaced by the words "taxes of every kind and description covered under the arrangement" w.e.f. 14 May 2015.

466 FA 2015 – Subsections (2) and (3) amended , the words "income tax" deleted and replaced by the words "taxes of every kind and description covered under the arrangement" w.e.f. 14 May 2015.

467 FA 2009 – Subsection (3) amended by adding, after paragraph (f), paragraph (g) - w.e.f. 30 July 2009.

468 FA 2015 – Subsection (5) amended, the words "section 154" deleted and replaced by the words "any Revenue Law" w.e.f. 14 May 2015.

469 FA 2015 – New subsection (5A) inserted after subsection (5) w.e.f. 14 May 2015.

470 FA 2017 - New subparagraph (iii) added w.e.f 24 July 2017.

471 FA 2017 - New subsection (5B) inserted after subsection (5A) w.e.f 24 July 2017.

472 FA 2022 - subsection (6) amended, by deleting the words "under this section" and replacing them by the words "under this section and to implement internationally-agreed measures to address the tax challenges arising from the digitalisation of the economy", w.e.f 02 August 2022.

473 FA 2009 – Section 76A inserted w.e.f. 30 July 2009.

474 FA 2018 – New subsection (4) inserted, 4(a) shall come into operation on 1 January 2019 and 4(b) shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

475 FA 2019 - Section 77(4)(b) amended, the words "at the rate of 5 per cent" deleted, shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

476 FA (No.2) 2009 - Section 81 subsection (3) repealed w.e.f. 19.12.09.

ITA 1995:-

(3) *Every receiver or receiver and manager of the property of a company, or every liquidator of a company, shall be deemed to be the agent of the company in respect of any income derived by the company in any income year.*

477 FA (No.2) 2009 -New section 81A added, w.e.f. 19.12.09.

478 FA 2006 – Subsection (2)(a) amended by deleting the words "10,000 rupees" and replacing them by the words "50,000 rupees" in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-
*(a) 10,000 rupees; or*

479 The words "benefit referred to in section 86A" replaced "dividend" by FA 2001. Effective as from income year 2001-02.

480 FA 2011 – Section 86A amended the words "10(1)(f)" deleted and replaced by the words "10(1)(g)" w.e.f. 15 December 2011.

FA 2006 – Subsection 86A amended by replacing section 10(1)(e) by section 10(1)(f) w.e.f 01.07.06.

Section 86A added by FA 2001. Effective as from income year 2001-02.
***86A. Benefit to shareholder***
*Where a benefit of any nature, whether in money or money's worth, other than payment of dividend, is made by a company to any shareholder or a relative of the shareholder, the value of that benefit, to the extent that it exceeds the payment, if any, made therefor, shall be deemed to be income referred to in section 10(1)(e) and received by the shareholder or the relative of the shareholder, as the case may be.*

481 FA 2019 – New section 90A inserted after section 90, shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessmment.

482 FA 2015 – Section 91 amended , the words "1 January" deleted and replaced by the words "1 July" shall come into operation on 1 July 2015.

FA 2009 – Section 91 amended by deleting the words "1 July" and replacing them by the words "1 January" shall come into operation on 1 January 2010.

483 FA 2017 - Section 92 amended the words "This Sub-part" deleted and replaced by the words "Subject to section 93(2), this Sub-part" w.e.f 24 July 2017.

484 FA 2023 – Subsection (1) amended, by deleting the words "including the solidarity levy under section 16C" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2020 – Subsection (1) amended, the words ", including the solidarity levy under section 16C," inserted after the words "income tax" - shall be deemed to have come into operation on 1 July 2020.

485 FA 2011 –New subsection(1A) inserted after subsection (1) shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

486 FA 2017 - New subsection (2) inserted after subsection (1A) w.e.f 24 July 2017.

FA 2006 – Subsection (2) deleted in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

.

ITA 1995:-

*(2) The tax shall be calculated -*

*(a) on the chargeable income of the employee determined under section 96; and*

*(b) in accordance with either Part A, Part B, Part C or Part D of the Fifth Schedule, as the case may be.*

487 FA 2007 - Section 93 amended, by adding immediately after subsection (3), subsection (4) and (5) w.e.f 22.08.07-

488 FA 2011 – New subsection (4A) inserted after subsection (4) - w.e.f. 15 December 2011.

489 FA 2020 – Subsection (4A)(b) amended, the words ", by registered post," deleted w.e.f 7 August 2020.

490 FA 2015 – Paragraph (d) repealed shall come into operation on 1 July 2015.

*(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.*

491 FA 2007 - Section 93 amended, by adding immediately after subsection (3), subsection (4) and (5) w.e.f 22.08.07-

492 FA 2018 - Subsection (1) repealed and replaced w.e.f 9 August 2018.

*(1) Subject to subsection (2), every employee who, for an income year, is entitled to –*

*(a) the income exemption threshold under section 27;*

*(b) interest relief under section 27A; and*

*(c) relief for medical or health insurance premium under section 27B,*

*in respect of that income year and who wishes to have the income exemption threshold, interest relief and relief for medical or health insurance premium taken into account for the purposes of determining his chargeable income and the amount of income tax, if any, to be withheld from his emoluments under section 93 during that income year, shall submit to his employer an Employee Declaration Form in such manner and on such conditions as may be prescribed.*

FA 2013 – Section 95(1) repealed and replaced - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

(1) *Subject to subsection (2), every employee who, for an income year, is entitled to the income exemption threshold under section 27 and interest relief under section 27A in respect of that income year and who wishes to have the income exemption threshold taken into account for the purposes of determining his chargeable income and the amount of income tax, if any, to be*

*withheld from his emoluments under section 93 during that income year shall submit to his employer an Employee Declaration Form in such manner and on such conditions as may be prescribed.*

FA 2010 – Section 95 subsection (1) amended by inserting, after the words "section 27", the words "and interest relief under section 27A" - shall come into operation as from the income year commencing 1 January 2011.

FA 2006 – Section 95 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

***95. Employee declaration***

*(1) Subject to subsections (2) and (3), every employee who, for an income year, is entitled to personal reliefs and deductions under sections 30, 31, 32, 33, 34, 36, 36B[(1)], 37, 37A, 37B, 37C[(2)], 38, 39, 40, 41, 41A, 42 and 42A[(3)] in respect of that income year and who wishes to have those deductions taken into account for the purposes of determining his chargeable income and the amount of income tax, if any, to be withheld from his emoluments under section 93 during that income year, shall submit to his employer an Employee Declaration Form in such manner and on such conditions as may be prescribed.*

*(2) The relief by way of deductions under sections [31,][(4)] 32, 33 and 34 shall be subject to the limit under section 35.*

*(3) Where any of the reliefs or deductions referred to in subsection (1) has been claimed, that relief or deduction shall not be claimed for the purposes of Sub-Part B of PART VIII.*

(1) The figure "36B" inserted by FA 2000. Effective as from income year 2000-01.
(2) The figures "37, 37A, 37B, 37C" inserted by FA 1997. Effective as from income year 1997-98.
(3) The figures "41A" & "42A" inserted by FA 1998. Effective as from income year 1998-99.
(4) The figure "31," deleted by FA 1999. Effective as from income year 1999-00.

493 FA2023 – Subsection (1)(a) amended, by deleting the words "income exemption threshold" and replacing them by the words "personal reliefs and deductions" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

494 FA 2023 – Subsection (1) amended, by deleting the words "income exemption threshold and" and replacing them by the words "personal reliefs and deductions under Sub-part C of Part III and" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

495 FA 2023 – Subsection (2) amended, by deleting the words "the income exemption threshold" and "that income exemption threshold" and replacing them by the words "the personal reliefs and deductions" and "those personal reliefs and deductions" respectively shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

496 FA 2023 – Subsection (3) amended, by deleting the words "income exemption threshold" and "additional exemption" and replacing them by the words "personal reliefs and deductions" and "additional deduction" respectively shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2018 - Subsection (3) repealed and replaced w.e.f 9 August 2018.

*(3) Where an employee has, in his Employee Declaration Form, claimed, in respect of an income year, an additional exemption under paragraph (ix) of the Third Schedule or interest relief under section 27A or relief for medical or health insurance premium under section 27B and the claim is thereafter found to be unjustified or in excess of the amount to which he is entitled, by 10 per cent or more, he shall be liable, in addition to the amount of the income tax underpaid, to a penalty not exceeding 25 per cent of the underpaid amount.*

FA 2013 – Subsection (3) amended the words "or relief for medical or health insurance premium under section 27B" inserted, after the words "section 27A" - shall come into operation in respect of the year of assessment commencing 1 January 2015 and in respect of every subsequent year of assessment.

FA 2010 – New Subsection (3) added – shall come into operation as from the income year commencing 1 January 2011.

497 FA 2006 – Section 96 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

*96. Ascertainment of chargeable income*

*(1) Where an employee has submitted an Employee Declaration Form under section 95, his chargeable income in respect of each pay period shall, subject to subsections (3) and (4), be the difference between his emoluments for that pay period and the sum of -*

*(a) the deductions allowable under sections 28 and 29 and which are attributable to that pay period; and*

*(b) such appropriate fraction as may be prescribed of the total amount of deductions claimed by the employee in his Employee Declaration Form.*

(2) *(a) Where an employee has not submitted an Employee Declaration Form under section 95, his chargeable income in respect of each pay period shall, subject to subsections (3) and (4), be the difference between his emoluments for that pay period and the total amount of the deductions allowable under sections 28 and 29 attributable to that pay period.*

*(b) Where any fees are payable -*

*(i) by a company to any of its directors; or*

*(ii) by a statutory body to any member of its Board, Council, Commission, Committee or by whatever name called,whether or not the director or member, as the case may be, is an exempt person, and that director or member does not receive any other emoluments from that company or statutory body, the chargeable income of the director or member shall be the difference between the fees payable and the amount of the deduction allowable under section 28.*[(1)]

*(c) Where emoluments are derived from Mauritius by expatriate pilots and flight engineers approved by the Minister, the chargeable income of the pilot or flight engineer in respect of each pay period shall, subject to subsections (3) and (4) be the difference between his emoluments for that pay period and the total amount of the deductions allowable under sections 28 and 29 attributable to that pay period.*

*(d) Notwithstanding item 12 of Part II of the Second Schedule, a seaman who is employed on a vessel registered in Mauritius or on a foreign vessel may, by notice in writing given simultaneously to the Director-General and to his employer, elect that his chargeable income shall, in respect of each pay period, be the amount of his emoluments for that pay period.*[(2)]

*(e)* [3] *Where, in respect of an employee, tax has been withheld in an income year under section 93 on the chargeable income determined under paragraphs (c) or (d)* [4] *, the amount of tax so withheld shall be deemed to be the final amount of tax payable by that employee for that income year and in relation to that chargeable income, the provisions of Sub-Part C of PART VIII shall not apply.*

*(3) Where an end-of-year bonus and leave pay prescribed by an enactment is received or made available to an employee other than an exempt person, the chargeable income on that bonus and leave pay shall be equal to the chargeable income on the emoluments exclusive of the bonus and leave pay for the month in which the bonus and the leave pay is received provided that the end-of-year bonus represents one month bonus.*

*(4) Where the end-of-year bonus referred to in subsection (3) either exceeds or is less than one month bonus, the chargeable income shall be calculated proportionately.*

[1] Paragraph (b) amended by FA 2002. Effective as from income year 2002-03. Previously ITA 1995 as amended -

*(b) Where any fees are payable to a director of a company, whether or not he is an exempt person, and that director does not receive any other emoluments from that company, his chargeable income shall be the difference between the fees payable and the amount of the deduction allowable under section 28.*

[2] Paragraph (d) added by FA 1998. Effective as from income year 1998-99.

[3] Previous paragraph (d) relettered (e) by FA 1998.

[4] The words "under paragraphs (c) or (d)" replaced "under paragraph (c)" by FA 1998. Effective as from income year 1998-99.

498 FA 2023 – Subsection (2) amended, by deleting the words “Subject to subsection (2A), where” and “shall withhold tax from the emoluments of the employee at the rate of 15 per cent of those emoluments” and replacing them by the words “Where” and “shall withhold tax from the emoluments of the employee at the rate of 15 per cent, or at the option of the employee, withhold tax at the rate of 20 per cent of those emoluments” respectively shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2020 – Subsection (2) amended, the words “Where” deleted and replaced by the words “Subject to subsection (2A), where” - shall be deemed to have come into operation on 1 July 2020.

FA 2017 - Section 96(2) amended the words “or has made a request pursuant to subsection 93(2)” inserted after the words “Declaration Form” w.e.f 24 July 2017.

FA 2007 - Section 96 amended, by deleting the words “20 per cent” wherever they appear and replacing them by the words “15 per cent” shall be deemed to have come into operation on 1 July 2007.

499 FA 2023 – Subsection (2A) repealed, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

**Previously was:**

*(2A) Where the emoluments referred to in subsection (2) exceeds 230,769 rupees in a month, the employer shall withhold an additional tax on the amount exceeding 230,769 rupees at the rate of 25 per cent, provided that the additional tax withheld does not exceed 10 per cent of total emoluments.*

FA 2020 – New subsection (2A) inserted after subsection (2) shall be deemed to have come into operation on 1 July 2020.

500 FA 2023 – Subsection (2B) repealed, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

**Previously was:**

*(2B) (a) A person who, in respect of an income year, has not submitted an Employee Declaration Form and derives –*

*(i) emoluments, including pension in relation to past employment; or*
*(ii) annuity, pension or other similar payment,*

*not exceeding 230,769 rupees in a month, may make a request, on such form as the Director-General may approve, to his employer or the person responsible for the payment of the emoluments, pension, annuity or similar payment for the solidarity levy payable under section 16C to be withheld.*

*(b) Where a request is made under paragraph (a), the employer or person responsible for the payment shall, in addition to income tax required to be withheld under subsection (2A), withhold income tax at the rate of 10 or 25 per cent, as requested by the person, from the emoluments, pension, annuity or similar payment.*

*(c) A request to withhold income tax under paragraph (b) shall be made in such form and manner as the Director-General may determine and it shall remain applicable until it is revoked by the person or the Director-General.*

*(d) Sections 93(3), (4), (4A) and (5), 94, 99, 100, 101A and 102 shall apply to the person responsible for the payment of any pension, annuity or similar payment in the same manner as it applies to an employer.*

FA 2022 – New subsection (2B) inserted, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

**501** FA 2023 – Subsection (3) amended, by deleting the words "tax shall be withheld from the fees of the director or member, as the case may be, at the rate of 15 per cent of those fees" and replacing them by the words "tax shall be withheld from the fees of the director or member, as the case may be at the rate of 15 per cent, or at the option of the director or member, at the rate of 20 per cent of those fees" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

**502** FA 2023 – Subsection (4) amended, by inserting, after the words "tax so withheld", the words ", tax so withheld, at the option of the employee, director or member, as the case may be," shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2008 - Section 96 amended by adding after subsection (3), subsection (4) - shall be deemed to have come into operation on 1 July 2008.

**503** FA 2017 – Subsection (1) repealed and replaced w.e.f 24 July 2017.

Section 99A added by MRA Act 2004.

*(1) Where in respect of an employee, tax is required to be withheld by an employer under section 93 at any time in an income year, the employer shall -*

*(a) unless the employee has a Tax Account Number, make the necessary arrangements to obtain from the Director-General a Tax Account Number in respect of that employee; and*

*(b) insert the Tax Account Number of the employee in his payroll at the time of withholding any tax under that section.*

504 FA 2017 – New Subsection (2) added w.e.f 24 July 2017.

FA 2011 –Subsection (2) repealed shall come into operation on 1 January 2012.

*(2) Every employee, in respect of whom a Tax Account Number under section 93 has been allotted, shall be deemed to be a registered person for the purposes of section 112.*

505 FA 2017 – Paragraph (a) amended the words "who, at any time, has in his employment 25 or more employees "deleted w.e.f 24 July 2017.

FA 2011 – Section 100(1A)amended, the figure '50' deleted and replaced by the figure '25' - shall come into operation on 1 January 2012.

Subsections (1A) & (1B) added by FA 2003. Effective as from year of assessment 2003/2004.

506 FA 2017 – Paragraph (b) repealed w.e.f 24 July 2017.

*(b) A person registered as an employer for the purposes of PAYE who, at any time, has in his employment fewer than 25 employees may submit his PAYE return and remit the tax withheld in accordance with paragraph (a).*

FA 2015 – Section 100(1A) amended, new paragraph (b) added, the existing provision being lettered as paragraph (a) - shall come into operation on 1 July 2015.

Subsections (1A) & (1B) added by FA 2003. Effective as from year of assessment 2003/2004.

507 FA 2017 – Subsection (1B) amended the words "irrespective of the number of employees in his employment," deleted w.e.f 24 July 2017.

Subsections (1A) & (1B) added by FA 2003. Effective as from year of assessment 2003/2004.

508 FA 2016 -Section 100 amended, subsection (1C) repealed and replaced w.e.f 7 September 2016.

FA (No.2) 2009 –Section 100 amended by inserting, after subsection (1B), subsection (1C) w.e.f. 19.12.09.

(*1C) The due date for submission of the PAYE return and remittance of the tax withheld under subsection (1A) in respect of the month of November shall, notwithstanding subsection (1B), be 2 days, excluding Saturdays and public holidays, before the end of December.*

509 FA 2006 – Section 101 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

*(1) Where an employer fails to pay the amount of tax required to be withheld under this Sub-Part, he shall be liable to pay to the Director-General, in addition to the tax, a penalty representing 2 per cent of the amount of the tax, excluding the penalty under this section, for each month or part of the month during which the tax remains unpaid .*

*(1) The penalty under this section shall not, in the aggregate, exceed the amount of income tax remaining unpaid.*

510 FA 2016 -Subsection (1) amended, the figure "5" deleted and replaced by the figure "10" w.e.f 7 September 2016.

511 FA 2006 – Section 101A added, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year..

512 FA 2017 – Section 102 amended new subsection (3) added shall come on a date to fixed by Proclamation.

513 FA 2011 – Section 105 amended, subsection (2) repealed and replaced - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

FA 2007 – Subsection (2) amended by adding immediately after paragraph (c), the following new paragraph, the word "or" at the end of paragraph (b) being deleted and the full stop at the end of paragraph (c) being deleted and replaced by the words "; or" – shall be deemed to have come into operation on 1 July 2007.

*(2) This Sub-Part shall not apply to an individual -*

*(a) Deleted*

*(b) who derives gross income exclusively from rent of an amount not exceeding the amount specified in the the Fourth Schedule;*

*(c) who derives rent of an amount referred to in paragraph (b) and other gross income consisting exclusively of emoluments; or*

*(d) in respect of gross income derived from the cultivation of sugar cane and from the growing of tobacco leaves.*

FA 2007 - Paragraph (b) amended, by deleting the words "Part I of" shall be deemed to have come into operation on 1 July 2007.

FA 2006 – Paragraph (b) amended by deleting the words "Sixth Schedule" and replacing them by the words "Part I of the Fourth Schedule" in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

*(b) who derives gross income exclusively from rent of an amount not exceeding the amount specified in the Sixth Schedule; or*

MRA Act 2004 - Paragraph (a) deleted w.e.f 01.07.06.

ITA 1995:-

(a) who is an exempt person;

(b)

514 FA 2011 – Section 105A repealed - shall come into operation on 1 January 2012.

Section 105A added by MRA Act 2004.

***105A. Registration of persons under this Sub-Part***

*(1) Every individual who, in a CPS period, derives gross income falling under this Sub-Part and whose turnover or gross income, as the case may be, exceeds the CPS threshold, shall -*

*(a) unless he has a Tax Account Number, make the necessary arrangements to obtain from the Director-General a Tax Account Number in his name; and*

*(b) insert the Tax Account Number in his Statement of Income under section 106 and in his return of income under section 112.*

*(2) Every individual, in respect of whom a Tax Account Number has been allotted, shall be deemed to be a registered person for the purposes of sections 106 and 112;*

515 FA 2015 – Section 106(1) amended, the table deleted and replaced - shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

| 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 [1] |

FA 2011 –Section 106 repealed and replaced - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

1 FA (No.2) 2009 – Section 106(1) amended, the words "31 December" deleted and replaced by the Words "2 days, excluding Saturdays and public holidays, before the end of December" w.e.f. 19.12.09.

***106. Statement of Income and payment of tax***

*(1) Every individual who, in a CPS quarter, derives gross income falling under this Sub-Part -*

*(a) which exceeds the CPS threshold, whether or not he has a chargeable income for that CPS quarter; or*

*(b) which does not exceed the CPS threshold but he has a chargeable income for that quarter,*

*shall submit to the Director-General, in respect of that CPS quarter, a Statement of Income in such form and manner as may be approved by the Director-General and at the same time pay the tax, if any, as follows –*

| In respect of quarter | Due date for submission of Statement of Income 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 (FA (No.2) 2009 – Section 106(1) amended, the words "31 December" deleted and replaced by the Words "2 days, excluding Saturdays and public holidays, before the end of December" w.e.f. 19.12.09.) |

*(2) Where the gross income of an individual exceeds the CPS threshold in any one quarter in an income year, that individual shall submit the Statement of Income for each of the remaining quarters in that income year, whether or not his gross income exceeds the CPS threshold.*

*(3) The Statement of Income under subsection (1) shall, in respect of each quarter, show the gross income, the allowable deductions, the net income, the income exemption threshold, the chargeable income and the tax payable thereon, if any.*

*(4) Where a resident société or the estate of a deceased person derives gross income referred to in section 105, the associate of the société or the beneficiary in the estate shall include in his Statement of Income his share of income from that gross income.*

FA 2009 – Section 106 subsection(1) repealed and replaced shall be deemed to have come into operation on 1 July 2009.

**106. Statement of Income and payment of tax**

(1) Every individual –

(a) who is a registered person under section 105A, whether or not he has a chargeable income for a CPS quarter; or

(b) who, in a CPS quarter, derives gross income under this Sub-Part which does not exceed the CPS threshold but has a chargeable income for that quarter,

shall submit to the Director-General, in respect of that CPS quarter, a Statement of Income in such form and manner as may be approved by the Director-General and at the same time pay the tax, if any, as follows –

| In respect of quarter | Due date for submission of Statement of Income and payment of tax |
|---|---|
| 1 July to 30 September | 31 December |
| 1 October to 31 December | 31 March |
| 1 January to 31 March | 30 June |

FA 2006 – Section 106 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

106. *Statement of Income and payment of tax (Valid up to 30.06.06 deleted and replaced by FA 15/2006)*
*(1) Every individual –*

*(a) who is a registered person under section 105A(2), whether or not he has a chargeable income for a CPS period; or*

*(b) who, in a CPS period, derives gross income under this Sub-Part which does not exceed the CPS threshold but has a chargeable income for that period,*

*shall submit to the Director-General, in respect of that CPS period, not later than 31 March immediately following that period, a Statement of Income in such form and manner as may be approved by the Director-General and at the same time pay the tax, if any, in accordance with the Statement of Income.* [(1)]

*(2)*[(2)] *The Statement of Income under subsection (1) shall [,in respect of each quarter,]* [(3)] *show the gross income, the allowable deductions, the net income, the personal reliefs and deductions, the chargeable income and the tax payable thereon, if any.*

*(3)*[4] *Where a resident société or the estate of a deceased person derives gross income referred to in section 105, the associate of the société or the beneficiary in the estate shall include in his Statement of Income his share of income from that gross income.*

[1] Subsection (1) deleted and replaced by MRA Act 2004.

Subsection (1) amended and previous subsection (2) deleted by FA 1997. Effective as from income year 1997-98.

*(1) Every person, other than an exempt person, who, in a CPS period, derives gross income falling under this Sub-Part -*

*(a) which exceeds the CPS threshold, whether or not he has a chargeable income for that period; or*

*(b) which does not exceed the CPS threshold but he has a chargeable income for that period,*

*shall submit to the Commissioner, not later than 31 March immediately following that period, a Statement of Income in such manner and in such form as may be approved by the Commissioner and at the same time pay the tax, if any, in accordance with the Statement of Income.*

Previously ITA 1995 as amended -

*(1) Every person, other than an exempt person, who, in a CPS quarter, derives gross income falling under this Sub-Part -*

*(a) which exceeds the CPS threshold, whether or not he has a chargeable income for that quarter; or*

*(b) which does not exceed the CPS threshold but he has a chargeable income for that quarter,*

*shall submit to the Commissioner a Statement of Income in such manner and in such form as may be approved by the Commissioner and at the same time pay the tax if any, as follows -*

| *In respect of quarter* | *Due date for submission of Statement of Income and payment of tax* |
|---|---|
| *1 July to 30 September* | *31 December* |
| *1 October to 31 December* | *31 March* |
| *1 January to 31 March* | *30 June.* |

*(2) Where the gross income of a person exceeds the CPS threshold in any one quarter in an income year, that person shall submit the Statement of Income for each of the remaining quarters in that income year, whether or not his gross income exceeds the CPS threshold.*

[2] Previous subsection (3) renumbered (2) by FA 1997.

[3] The words ", in respect of each quarter," deleted by FA 1997. Effective as from income year 1997-98.

[4] Previous subsection (4) renumbered (3) by FA 1997.

[516] FA 2020 – Section 106(1) amended, the word "electronically" inserted after the word "submit" and the words "and at the same time pay tax, if any," deleted and replaced by the words "and pay tax, if any, electronically," w.e.f 7 August 2020.

[517] FA 2012 – Section 106(2)(a) amended, the figure "2" deleted and replaced by the figure "4" shall come into operation in respect of the income year commencing 1 January 2013 and in respect of every subsequent income year.

[518] FA 2019 – section 106(2)amended, new paragraph (c) added, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

[519] FA 2011 –Section 107 repealed and replaced - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

### *107. Ascertainment of chargeable income*

*(1) Subject to subsection (2), the chargeable income of an individual in respect of each CPS quarter in an income year shall, at the option of the individual, be –*

*(a) the difference between -*

*(i) 25 per cent of the net income for the year preceding that income year uplifted by 10 per cent or such other percentage as may be prescribed; 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; or*

*(b) the difference between –*

*(i) the gross income for that quarter, and*

*(ii) the sum of –*

*(A) the amount of allowable deductions for that quarter including any allowable loss brought forward from the year preceding that income year or any previous quarter, as the case may be, that relates to the derivation of the gross income; and*

*(B) 25 per cent of the income exemption threshold to which the individual is entitled under section 27 in respect of that income year.*

*(2) Where any income exemption threshold referred to in subsection (1) 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.*

FA 2006 – Section 107 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

**107. Ascertainment of chargeable income** *(Valid up to 30.06.06, deleted and replaced by FA 15/2006,)*

(1) [1] *Subject to subsection (2), the chargeable income of a person in respect of the CPS period in an income year shall, at the option of the person, be -*

*(a) the difference between -*

*(i) 50 per cent of the net income for the year preceding that income year uplifted by 10 per cent or such other percentage as may be prescribed; and*

*(ii) 50 per cent of the personal reliefs and deductions to which the person is entitled under sections 28A, 30, 31, 32, 33, 34, 36, 36B [519], 37, 37A, 37B, 37C, 38, 39, 40, 41, 41A, 42 and 42A [519] in respect of that income year; or*

*(b) the difference between -*

*(i) the gross income for that period, and*

*(ii) the sum of -*

*(A) the amount of allowable deductions for that period including any loss brought forward from the year preceding that income year that relates to the derivation of the gross income; and*

*(B) 50 per cent of the personal reliefs and deductions to which the person is entitled under sections 28A, 30, 31, 32, 33, 34, 36, 36B, 37, 37A, 37B, 37C, 38, 39, 40, 41, 41A, 42 and 42A in respect of that income year.*

*(2) The relief by way of deductions under sections [31,][519] 32, 33 and 34 shall be subject to the limit under section 35.*

*(3) Where any of the reliefs or deductions referred to in subsection (1) has been claimed, that relief or deduction shall not be claimed for the purposes of Sub-Part A of PART VIII.*

[1] Subsection (1) amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended -

(1) Subject to subsection (2), the chargeable income of a person in respect of each CPS quarter in an income year shall, at the option of the person, be -

(a) the difference between -

(i) 25 per cent of the net income for the year preceding that income year uplifted by 10 per cent or such other percentage as may be prescribed; and

(ii) 25 per cent of the personal reliefs and deductions to which the taxpayer is entitled under sections 30, 31, 32, 33, 34, 36, 38, 39, 40, 41 and 42 in respect of that income year; or

(b) the difference between -

(i) the gross income for that quarter; and

(ii) the sum of -

(A) the amount of allowable deductions for that quarter including any loss brought forward from the year preceding that income year or any previous quarter, as the case may be, that relates to the derivation of the gross income; and

(B) 25 per cent of the personal reliefs and deductions to which the taxpayer is entitled under sections 30, 31, 32, 33, 34, 36, 38, 39, 40, 41 and 42 in respect of that income year.

[2] The figure "36B" inserted by FA 2000. Effective as from income year 2000-01.

[3] The figures "41A" & "42A" inserted by FA 1998. Effective as from income year 1998-99.

[4] The figure "31," deleted by FA 1999. Effective as from income year 1999-00.

[520] FA 2023 – Subsection (2)(b)(ii) amended, by deleting the words "income exemption threshold" and replacing them by the words "personal reliefs and deductions" shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

[521] FA 2023 – Subsection (3) amended, by deleting the words "any income exemption threshold" and "that income exemption threshold" and replacing them by the words "personal reliefs and deductions" and "those personal reliefs and deductions", respectively; shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

[522] FA 2023 – Section 108 amended, by deleting the words "and at the rate as applicable in Part I of the First Schedule" and replacing them by the words "in such manner as may be prescribed", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2021- Section 108 amended, the words "in accordance with Part IV of the First Schedule" deleted and replaced by the words " at the rate as applicable in Part I of the First Schedule" –shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

FA 2018 - "Part I" deleted and replaced by the words "Part IV"- Shall come into operation in respect of the year of assessment commencing on 1 July 2019 and in respect of every subsequent year of assessment.

FA 2017 – Section 108 amended the words "the First Schedule" deleted and replaced by the words "Part I of the First Schedule" shall be deemed to have come into operation on 1 July 2017.

FA 2007- Section 108 amended, by deleting the words "Part II of the Fourth Schedule" and replacing them by the words "the First Schedule" w.e.f 01.07.07.

FA 2006 – Section 108 amended by deleting the words "Seventh Schedule" and replacing them by the words "Part II of the Fourth Schedule" in so far as it relates to individualsshall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

***108. Calculation of tax***

*The income tax payable under this Sub-Part shall be calculated on the chargeable income ascertained under section 107 and in accordance with the Seventh Schedule.*

523 FA 2006 – Section 109 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

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ITA 1995:-

***109. Penalty for late submission of Statement of Income***

*Where a person fails to submit a Statement of Income under section 106, he shall be liable to pay to the Commissioner a penalty representing 5,000 rupees* [(1)] *per month or part of the month or such other amount as may be prescribed, until such time as the Statement of Income is submitted, provided that the total penalty payable shall not exceed 50,000 rupees* [(2)].

[(1)] Amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended - Rs 1,000.

[(2)] The words "provided that the total penalty payable shall not exceed 50,000 rupees" added by FA 2002. Effective as from 1.7.2002.

524 FA 2006 – Section 110 deleted and replaced, in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-

*Where a taxpayer fails to pay any income tax due on or before the last day on which it is payable under section 106, he shall be liable to pay to the Commissioner, in addition to the tax, a penalty representing 25 per cent of the amount of tax remaining unpaid.*

525 FA 2006 – Paragraph (a) amended by deleting the words "the amount" and replacing them by the words "the aggregate amount" in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

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The word "aggregate" deleted by FA 1997. Effective as from income year 1997-98.

526 FA 2006 – Subsection (3) amended by deleting the words "60 per cent" wherever they appear and replacing them by the words "35 per cent" in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

Subsection (3) amended by FA 1997. Effective as from income year 1997-98.

*(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 Statement of Income by more than 60 per cent of the amount of tax payable, the person shall, at the time the return under section 112 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 60 per cent.*[(2)]

Previously ITA 1995 as amended -

*(3) Subject to subsection (4), where the difference referred to in subsection (2) exceeds 35 per cent of the tax payable on the income falling under this Sub-Part, the person shall pay, in addition to the difference, a penalty representing 25 per cent on the excess amount at the time the return under section 112 is submitted.*

527 FA 2011 –Subsection (4) repealed and replaced shall come into operation on 1 January 2012.

*(4) The penalty under subsection (3) shall not apply where, in respect of the CPS quarter in an income year, the taxpayer has opted to compute his net income in accordance with section 107(1)(a).*

FA 2006 – Subsection (4) amended by deleting the words "CPS period" and "section 107(1)(a)(i)" and replacing them by the words "CPS quarter" and "section 107(1)(a)" respectively in so far as it relates to individuals shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

The words "CPS period" replaced "CPS quarters" by FA 1997. Effective as from income year 1997-98.

*(4) The penalty under subsection (3) shall not apply where, in respect of the CPS period[3] in an income year, the taxpayer has opted to compute his net income in accordance with section 107(1)(a)(i).*

528 FA 2006 – Sub-Part BA added, in so far as it relates to Sub-Part BB – National Residential Property Tax shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

529 FA 2018 - Section 111A (1) amended, new definition inserted in the appropriate alphabetical w.e.f 9 August 2018.

530 FA 2011 –The definitions of "depositor" deleted – shall come into operation on 1 January 2012.

*(b) "depositor", in section 111B(a) -*

*(i) means any individual, société or succession holding a deposit with a financial institution or holding Government securities, Bank of Mauritius Bills, debentures or any other loan instrument; and(ii) includes an individual holding a deposit, Government securities, Bank of Mauritius Bills, debentures or any other loan instrument jointly with another individual or individuals; but*

*(iii) does not include -*

*(A) an individual who is a non-resident;*

*(B) a société which is a non-resident or holds a Category 1 Global Business Licence under the Financial Services Act 2007; or*

*(C) a société falling under Part I of the Second Schedule;*

FA 2008 - Paragraph (b)(i) and (ii) amended by deleting the words "Treasury Bills" and replacing them by the words "Government securities"- w.e.f 19 July 2008.

531 FA 2011 –The definitions of "financial institution" deleted, shall come into operation on 1 Jan 2012.

*(c) "financial institution", in section 111B(a) –*

*(i) means any bank or non-bank deposit taking institution regulated under the Banking Act 2004; and*

*(ii) includes -*

*(A) the Bank of Mauritius; and*

*(B) any person issuing debentures or any other loan instrument;*

532 FA 2011 –The definitions of "individual" deleted – shall come into operation on 1 January 2012.

*"individual", in paragraph (b) includes a minor; "individual", in paragraph (b) includes a minor;*

533 FA 2011 – The definition of "interest" amended the words "including deposits with a financial institution" deleted - shall come into operation on 1 January 2012.

534 FA 2008 – Paragraph (f) amended, by deleting the words ", in relation to section 111C(1),"- w.e.f 19 July 2008.

*"payee", in relation to section 111C(1), means any person to whom an amount is made available by the payer;*

535 FA 2015 – Section 111A(1) amended, the definition of "payer" deleted and replaced shall come into operation on 1 July 2015.

(g) "payer" means any person responsible for the payment of –

(i) interest, royalties or rent;

(ii) any sum to contractors and sub-contractors; or

(iii) any sum to a provider of specified services;

536 FA 2017 – The definition of "payer" repealed and replaced w.e.f 24 July 2017.

*(b) does not include a company which has an annual turnover not exceeding 6 million rupees;*

537 FA 2020 – Section 111A (1) amended, in the definition of "work", by deleting the words "(a) and (j)" and replacing them by the words "(b) and (k)" w.e.f 7 August 2020.

538 FA 2011 – The definition "work", in paragraph (a) amended, the words ", and includes mechanical or electrical works" added, after the words "works contract" - shall come into operation on 1 January 2012.

539 FA 2019 – Section 111B amended, paragraph (a) repealed and replaced – shall be deemed to have come into operation on 1 July 2019.

**Previously:**

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 any person, other than a company resident in Mauritius;

FA 2013 – Paragraph (a) amended, the words "a non-resident" deleted and replaced by the words "any person, other than a company resident in Mauritius" shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

FA 2011 – Paragraph (a) repealed and replaced - shall come into operation on 1 March 2012.

*(a) interest payable to any depositor by a financial institution;*

540 FA 2018 – Paragraph (b) amended, the words "Category 1" deleted - shall come into operation on 1 January 2019.

FA 2017 – Paragraph (b) amended, the word "by" deleted and replaced by the words ", *other than a citizen in respect of royalties for artistic or literary work, by*" w.e.f 24 July 2017.

FA 2012 – Paragraph (b) amended, the words "companies and societés, other than corporations" deleted and replaced by the words "any person, other than an individual or a corporation" w.e.f. 22 December 2012.

541 FA 2011 – Paragraph (c) repealed and replaced - shall come into operation on 1 March 2012.

*(c) rent payable to any person, except a body of persons specified in Part I of the Second Schedule, by any person, other than an individual;*

[542] FA 2023 – Paragraph (e) amended, by inserting, after the words "services", the words "except a company holding a management licence and an investment adviser holding a licence issued by the Financial Services Commission established under the Financial Services Act", w.e.f 20 July 2023.

[543] FA 2011 – New paragraph (f), (g) and (h) added - shall come into operation on 1 March 2012.

[544] FA 2012 – Paragraph (f)(iii) amended, the words "other than telephone, insurance, postal, air travel and hotel services," inserted, after the words "contract," w.e.f. 22 December 2012.

[545] FA 2016 - New paragraph (i) and (j) added - shall come into operation on 1 October 2016.

[546] FA 2018 - Paragraph (k) repealed and replaced w.e.f 9 August 2018.

(*k) fees, in lieu of director's fees, payable by any company to a person, other than an individual.*

FA 2017 – New paragraph (k) added w.e.f 24 July 2017.

[547] FA 2023 – Paragraph (l) repealed and replaced, w.e.f 20 July 2023.

*ITA 1995:*
*(l) payments by any person, other than an individual, to consultants other than those specified in the Fifth Schedule.*

FA 2022 - new paragraph (l) inserted, the full stop at the end of paragraph (k) being deleted and replaced by a semicolon and the word "and" at the end of paragraph (j) being deleted, shall come into operation on 3 October 2022.

[548] FA 2022 - new paragraph (m) inserted, shall come into operation on 3 October 2022.

[549] FA 2023 – Paragraph (n) repealed and replaced, w.e.f 20 July 2023.

*ITA 1995:*

*(n) payments by insurance companies to motor surveyors and mechanics for repairs of motor vehicles of policy holder.*

FA 2022 - new paragraph (n) inserted, shall come into operation on 3 October 2022.

[550] FA 2013 – Section 111C(1) amended , the words "Part I of" deleted w.e.f 21 December 2013.

[551] FA 2012 –Section 111C amended, the following new subsection (1A) inserted after subsection (1), - w.e.f. 22 December 2012.

[552] FA 2011 –Subsections (2) and (3) repealed - shall come into operation on 1 January 2012.

*(2) No income tax shall be deducted from interest payable to a depositor -*

*(a) unless the aggregate amount of deposits, Government securities, Bank of Mauritius Bills, debentures and any other loan instrument held by the depositor in a financial institution including its branches exceeds, at any time in an income year, the amount specified in Part II of the Sixth Schedule; and*

*(b) in respect of interest which accrued prior to 1 October 2006.*

*(3) Where, at any time in an income year, income tax has been deducted by a financial institution from interest payable to a depositor and the aggregate amount of deposits held by the depositor in the financial institution including its branches no longer exceeds the amount specified in Part II of the Sixth Schedule, the financial institution shall continue to deduct income tax from any amount of interest payable to the depositor in that income year.*

FA 2008 - Section 111C(2)(a) amended by inserting after the word "deposits", the words ",Government securities, Bank of Mauritius Bills, debentures and any other loan instrument" w.e.f 19 July 2008.

553 FA 2018 - Subsection (4) amended, the words, "or rent referred to in section 111B (c)" inserted after the words "111B (b)" w.e.f 9 August 2018.

FA 2016 - Subsection (4) amended, the words "*and royalties referred to in section 111B(b)*" deleted and replaced by the words ", *royalties referred to section 111B(b) and payments to an entertainer or sportsperson referred to in section 111B(j)"* shall come into operation on 1 October 2016.

FA 2011 – Subsection (4) amended, the words "interest referred to in section 111B(a) and" inserted after the word "Where" and the words "Item 2(b) of" deleted - shall come into operation on 1 January 2012.
FA (No.2) 2009 - Section 111C amended, by adding, after subsection (3), the new subsections (4) and (5) - shall come into operation as from the year of assessment commencing on 1 January 2011

554 FA 2023 – Subsection (5) amended, by deleting the words "tax so deducted"and replacing them by the words "tax so deducted, at the option of the payee", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

FA 2018 - Subsection (5) amended, the words "or from rent" inserted after the word "sportsperson," w.e.f 9 August 2018.

FA 2016 - Subsection (5) amended –

(A) The words ", payments to an entertainer or sportsperson," inserted after the words "from the interest".

(B) The words ", payments to the entertainer or sportsperson," inserted after the words "of the interest".

shall come into operation on 1 October 2016.

FA 2011 – Subsection (5) amended by inserting after the words "from the" and "in respect of the", the words "interest or", respectively shall come into operation on 1 January 2012.

555 FA 2016 - New subsection (6) added shall come into operation on 1 October 2016.

556 FA 2013 – Section 111D repealed and replaced - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

***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.*

FA 2011 –Section 111D repealed and replaced - shall come into operation on 1 January 2012.

***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, electronically or in such other manner as may be approved by the Director-General -*

*(a) in the case of a financial institution, where the income tax is deducted at any time -*

*(i) during the first 15 days of a month, not later than the 22nd day of that month; and*

*(ii) from the 16th day of a month to the end of the month, not later than 7 days from the end of that month;*

*(b) in any other case, within 20 days from the end of the month in which the income tax was deducted.*

557 FA 2017 – Subsection (1)(a) amended, the word "electronically" inserted after the words "are made" w.e.f 24 July 2017.

558 FA 2016 - Section 111D amended, subsection (2) repealed and replaced w.e.f 7 September 2016.

*(2) The remittance and the return referred to in subsection (1) shall, in respect of the month of November, be made 2 days, excluding Saturdays and public holidays, before the end of December.*

559 FA 2015 – Section 111F amended, the words "122D" deleted and replaced by the words "122D(1)(a)" shall come into operation on 1 July 2015.

560 FA 2007 – section 111G amended , by adding the following new subsection (2), the existing provision being numbered (1) accordingly, shall be deemed to have come into operation on 1 July 2007.

561 FA 2008 - Heading deleted and replaced - shall be deemed to have come into operation on 1 July 2008.

Statement of tax deducted

562 FA 2015 – Subsection (1) amended, the words "15 February" deleted and replaced by the words "15 August" shall come into operation on 1 July 2015.

FA 2009 – The words "31 July" deleted and replaced by the words "15 February" shall come into operation on 1 January 2010.

563 FA 2008 - Subsection (1)(a) amended, by deleting the words "a statement of income tax deduction" and replacing them by the words "a statement of any amount or sum made available to him and referred to in section 111B"- shall be deemed to have come into operation on 1 July 2008.

*(a) give to each payee, a statement of income tax deduction, in duplicate, in respect of the preceding income year; and*

564 FA 2012 – Section 111K(1) paragraph (b) repealed and replaced w.e.f. 22 December 2012.

(b) submit to the Director-General, a statement giving, in respect of the preceding income year, the particulars of the payee, the amount or sum made available and income tax deducted therefrom.

565 FA 2010 – Section 111K(2) amended by deleting the words "5,000 rupees" and replacing them by the words "50,000 rupees" w.e.f. 24.12.2010.

566 Section 111K amended, by adding immediately after subsection (4), the following new subsection (4A) w.e.f. 15 December 2011.

567 FA 2020 – Section 111K (4A)(b) amended, the words ",by registered post," deleted –w.e.f 7 August 2020.

568 FA 2015 – Subsection (4A) amended, paragraph (d) repealed shall come into operation on 1 July 2015.

*(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.*

569 FA 2007 - Section 111K amended, by adding immediately after subsection (4), the following new subsection (5) – w.e.f 22.08.07.

570 FA 2010 – Sub-part BB of Part VIII repealed shall be deemed to have come into operation as from the year of assessment 2011.

***Sub-Part BB – National Residential Property Tax***

***111L. Interpretation***

*In this Sub-Part -*

*"dividends" means dividends paid by -*

*(a) a company resident in Mauritius; or*

*(b) a co-operative society registered under the Co-operatives Act 2005;*

*"individual" includes a minor;*

*"National Residential Property Tax" means the National Residential Property Tax imposed by section 111M;*

*"owner", in relation to any residential property -*

*(a) includes -*

*(i) the owner of a residential property on any leased land;* [1]

*(ii) the person who receives or, if such residential property were to be let, would be entitled to receive, the rent, whether for his own benefit or that of any other person; or*

*(iii) where the owner cannot be found or ascertained, the occupier thereof; but*

*(b) does not include any body of persons specified in Part I of the Second Schedule;*

*"property tax" means the National Residential Property Tax;*

*"residential property" -* [2]

*(a) means any immovable property including any building, part of a building, apartment, flat, tenement, campement or bungalow, used, or available for use, as residence; and*

*(b) includes any tourist residence as defined in the Tourism Authority Act 2006; but*

*(c) does not include -*

*(i) any hotel or guest house as defined in the Tourism Authority Act 2006;*
*(ii) any plot of land on which there is no residential property;*

"total income", in relation to an individual, means the sum of his net income and dividends.

[1] FA 2007 - in the definition of "owner", in paragraph (a), subparagraph (i) repealed and replaced, shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

FA 2006 - *(i) the lessee of any campement site lease under the Pas Géométriques Act;*

[2] FA 2007 - The definition of "residential property" deleted and replaced, shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
"residential property" -

(a) *means any immovable property including part of a building, apartment, flat, tenement, campement or bungalow, used, or available for use, as residence; and*
*(b) includes any bare land in a residential area;*

[571] FA 2010 – FA 2010 – Sub-part BB of Part VIII repealed shall be deemed to have come into operation as from the year of assessment 2011.

***111M. Imposition of property tax***

*(1) Subject to the other provisions of this Sub-Part, National Residential Property Tax shall, in and for every year -*

*(a) be paid to the Director-General by every owner on any residential property owned by him at any time during the preceding year; and*

*(b) be calculated by reference to -*

*(i) in the case of an apartment, flat or tenement, its floor area as specified in the title deed or contract; or* [1]

*(ii) in the case of any other residential property including any residential property on leased land, the surface area of the land,* [2]

*at the appropriate rate specified in the Seventh Schedule, after deducting therefrom the general rate, if any, leviable under the Local Government Act.*

*(2) Where the owner is an individual, the National Residential Property Tax payable under this section shall, subject to section 111N(11), not exceed 5 per cent of his total income.*

**1** FA 2007 - subparagraph (i) repealed and replaced, shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
FA 2006 – *(i) in the case of an apartment, flat or tenement, the floor area of the apartment, flat or tenement, as the case may be; or*

FA 2007 – paragraph (b)(ii) amended by inserting immediately after the words "residential property", the words "including any residential property on leased land"

**2** FA 2007 - Subsection (2) added , the existing provision being numbered (1) accordingly - shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

572 FA 2010 – FA 2010 – Sub-part BB of Part VIII repealed shall be deemed to have come into operation as from the year of assessment 2011.

***111N. Application of property tax***

*(1) Where the owner is an individual and his total income in an income year does not exceed 400,000 rupees* [1]*, no property tax shall be paid.*

**1** FA (No.2) 2009 - Section 111N, amended by deleting the figure "385,000" wherever it appears and replacing it by the figure "400,000" - shall come into operation on 1 January 2010 in respect of the income year commencing on 1 January 2010 and in respect of every subsequent income year.
FA 2007 - Section 111N amended by deleting the words "215,000 rupees" wherever they appear and replacing them by the words "385,000 rupees" shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(2) Where a residential property is acquired, sold or transferred at any time in an income year, the owner shall be liable to pay property tax on a pro rata basis in respect of that income year.*

*(3) Where the owner is married, and -*

*(a) the total income of each spouse in an income year exceeds 400,000 rupees and each spouse is under the obligation to submit a return of income under Sub-Part C of Part VIII for that income year, the property tax shall, at their option, be deemed to be payable by them in equal proportion or by one spouse in full; or*

*(b) the total income of one spouse in an income year exceeds 400,000 rupees and that of the other spouse does not exceed 400,000 rupees in that income year, the property tax shall, notwithstanding this Sub-Part and any other enactment, be deemed to be payable by the spouse whose total income exceeds 400,000 rupees.*

*(4) Where no option is made by the couple under subsection (3)(a), the property tax shall be deemed to be payable by them in equal proportion.*

*(5) Where a residential property -* [1]

*(a) has been acquired by inheritance or legacy and no division-in-kind has been effected among the heirs or legatees; or*
*(b) is owned by 2 or more individuals,*

*the property tax thereon shall, subject to subsection (3), be payable by each of the heirs, legatees or co-owners, as the case may be, on his share of the property, provided that his total income, in an income year, exceeds 400,000 rupees.*

1 FA 2007 - Subsection (5), amended by deleting the word "legaties" wherever they appear and replacing it by the word "legatees" shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(6) Where the owner is a minor -*

*(a) the residential property of the minor shall be included in that of the legal administrator;*
*(b) and there is no legal administrator, the legal guardian shall be liable to pay the property tax, provided that the total income of the minor in an income year exceeds 400,000 rupees.*

*(7) Where a building used as residence is located on a portion of land -*

*(a) used for agriculture for the purpose of making a profit and the gross income derived therefrom is declared by the owner in his return of income; or* [2]

[2] FA 2007 - Paragraph (a) repealed and replaced, shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
*FA 20006 - (a)used for agriculture; or*

*(b) at any other place outside a residential area,*

*the owner shall be liable* [3] *to pay in respect of each residential property, the property tax on the surface area of the land on which stands the building, garage and related structures as well as on the surface area of the backyard, grounds and garden, up to a maximum area of 1A 25(0.5276 hectare).*

[3] FA 2007 – Subsection (7) amended by inserting immediately after the words "liable to pay", the words "in respect of each residential property," shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(8) Where a person is the owner of a building used both for business and residential purposes or where the residential part is located above that on which stands the non-residential part, the owner shall be liable to pay in respect of each residential property, the property tax on the whole surface area of the land.*

*(9) A residential building constructed on top of an existing building by virtue of a right so to construct (droit de surélévation) shall be deemed to be a flat for the purposes of section 111M.*

*(10) Where the owner -*

*(a) is a person other than an individual;*

*(b) in an income year, is a non-resident or a person whose place of abode is outside Mauritius;*

*(c) is the proprietor of a residence under the Real Estate Development Scheme prescribed under the ~~Investment Promotion Act~~ Economic Development Board Act 2017,* [1]

*the property tax shall be payable, irrespective of the total income of the owner.*

*(11) Section 111M(2) shall not apply to an owner referred to in subsection (10).* [2]

[1] *Economic Development Board Act, in section 111N(10)(c), by deleting the words "Investment Promotion Act" and replacing them by the words "Economic Development Board Act 2017"w.e.f. 7 Aug 2017*
FA 2008 - Subsection (10)(c) amended, by deleting the words "under the Integrated Resort Scheme" w.e.f 19.07.08.
FA 2007 – Subsection (10)(c) amended, by inserting immediately after the words "Integrated Resort Scheme", the words "under the Real Estate Development Scheme" shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

[2] FA 2007 - Subsection (11) added , shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

[573] FA 2018 - New Sub-Part Sub-part BC inserted after Sub-Part BB of Part VIII - shall come into operation on 1 September 2018.

[574] FA 2019 – Section 111(O) amended, new definition inserted w.e.f 25 July 2019.

[575] FA 2021- Section 111O amended, in the definition of "Operator", the words ", operator of the Loterie Vert" inserted after the words "Mauritius National Lottery Operator" – w.e.f 05 August 2021.

[576] FA 2019 – Section 111P(2) amended, the words "amount payable as winnings" deleted and replaced by the words "total cumulative winnings paid to a person on any given date" w.e.f 25 July 2019.

[577] FA 2019 – Part VIII amended, new Sub-part BD inserted after Sub-part BC – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[578] FA 2023 – Subsection (2) amended, by deleting the words "at source under section 111B" and replacing them by the words "under sections 93 and 111B", w.e.f 20 July 2023.

[579] FA 2023 – Subsection (3) amended, by deleting the words "Income Exemption Threshold,", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

**Previously was:**

*Where a small enterprise has made an election under subsection (1), it shall not be entitled to claim any deduction, Income Exemption Threshold, relief or allowance under Sub-part B, C, D or E of Part III or Sub-part C of Part IV, as the case may be.*

[580] Covid M A 2020- Part VIII amended, new Sub-part BE inserted after Sub-part BD –shall be deemed to have come into operation on 23 March 2020.

[581] FA 2012 – Section 112 subsection (1) repealed and replaced shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

(1) Subject to this Act, every person who, in an income year –

(a) derives –

(i) emoluments in respect of which tax has been withheld under PAYE;

(ii) **Repealed**;

(iii) net income which exceeds 380,000 rupees;

(iv) income which has been subject to tax deduction at source under section 111C;

(v) **Repealed**; or

(vi) **Repealed**;

(b) owns –

(i) more than one residence or one or more immoveable properties acquired for an aggregate price which exceeds 2,000,000 rupees or on which he has

incurred expenditure for the construction of a building or any other structure of an aggregate amount which exceeds 2,000,000 rupees;

(ii) a car with an engine capacity which exceeds 2000 cubic centimeters; or

(iii) a pleasure craft as defined in the Tourism Authority Act; or

(c) is registered as a registered person under section 99A or 105A(2), whether or not he is a taxpayer;

(d) claims an additional exemption threshold referred to in paragraph (ix) of the Third Schedule;

(e) claims a relief under section 27A in his Employee Declaration Form;

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

(f) has a chargeable income,

shall, in respect of that income year, submit to the Director-General, not later than 31 March following that income year, a return in such form and manner as may be determined by the Director-General, specifying –

(i) **Repealed**;

(ii) the income exemption threshold to which the person is entitled under section 27;

(iii) the interest relief allowable under section 27A; and

(iv) such other particulars as may be required and specified in the form of the return,

and, at the same time, pay any tax payable in accordance with the return.

582 FA 2020 – Section 112 amended, subsection (1) repealed and replaced – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

**Previously was:**

(*1*) *Subject to this Act, every person who, in an income year -*

*(a) derives -*

*(i) total net income of an amount exceeding the Category A Income Exemption Threshold specified in the Third Schedule;*

*(ii) gross income derived from any business, exceeding 2 million rupees;*

*(iii) emoluments in respect of which tax has been withheld under section 93;*

*(iv) income which has been subject to tax deduction at source under section 111C; or*

*(b)* ***Repealed***

*(c)* ***Repealed***

*(d)* *has a chargeable income,*

*shall, in respect of that income year, submit to the Director-General, not later than 30 September following that income year, a return in such form and manner as may be determined by the Director-General, specifying -*

*(i)* *the income exemption threshold to which the person is entitled under section 27;*

*(ii)* *the interest relief allowable under section 27A; and*

*(iii)* *such other particulars as may be required in the form of the return and, at the same time, pay any tax payable in accordance with the return.*

FA 2017 – Section 112(1) amended, paragraphs (b) and (c) repealed shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

*(b)* *acquires -*

*(i)* *an immoveable property, the cost of which, including the cost of construction of any building or structure thereon, exceeds 5 million rupees;*

*(ii)* *a motor vehicle, the cost of which exceeds 2 million rupees or in respect of which he paid registration duty of 75,000 rupees or more under the Registration Duty Act;*

*(iii)* *a pleasure craft as defined in the Tourism Authority Act, the cost of which, including the cost of its engine, exceeds one million rupees;*

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

FA 2015 – Subsection (1) amended, the words "31March" deleted and replaced by the words "30 September" shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2011 – Paragraph (a) subparagraphs (ii) repealed - shall come into operation on 1 January 2012.

*(ii)* *gross income falling under CPS which exceeds the CPS threshold;*

FA 2011 – Paragraph (a) subparagraphs (v) repealed - shall come into operation on 1 January 2012

*(v)* *total income referred to in section 16A which exceeds 2 million rupees; or*

FA 2011 – Paragraph (a) subparagraphs (vi) repealed - shall come into operation on 1 January 2012

*(vi)* *gains referred to in section 10A which exceeds 2 million rupees;*

FA 2011 – Subparagraph (iii) amended, the figure "365,000" deleted and replaced by the figure "380,000" - shall come into operation on 1 January 2012.

FA 2011 – New paragraph (ea) inserted after paragraph (e) - shall come into operation on 1 January 2012.

FA 2011 –Subparagraph (i) repealed shall come into operation on 1 January 2012.

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

FA 2011 –New subsection (4) added w.e.f. 15 December 2011.

FA 2010 – Section 112 repealed and replaced w.e.f 24.12.2010.

FA 2006 – Section 112 deleted and replaced , shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

*Subject to this Act –*

*(a) every registered person under section 99A or 105A(2), whether or not he is a taxpayer in respect of an income year;*

*(b) every person, other than a registered person referred to in paragraph (a), who, at any time during an income year, owns –*

*(i) more than one residence or one or more immoveable properties acquired for an aggregate price exceeding 2,000,000 rupees or on which he has incurred expenditure for the construction of a building or any other structure of an aggregate amount exceeding 2,000,000 rupees;*

*(ii) a car with an engine capacity exceeding 2000 c.c.; or*

*(iii) a pleasure craft as defined in the Tourism Act 2004;*

*(c) every owner of a residential property referred to in Sub-Part BB of Part VIII whose total income in an income year for the purposes of that Sub-Part exceeds 400,000 rupees, [1] other than a person referred to in paragraph (a) or (b); or*

*(d) every other person who, in an income year, has a chargeable income,*

*shall, in respect of that income year, submit to the Director-General, not later than 31 March [2] following that income year, a return in such manner and in such form as may be approved by him specifying –*

*(i) all income including exempt income, derived by him during that income year;*

*(ii) the income exemption threshold to which he is entitled under section 27 in respect of that income year;*

*(iii) the amount of tax payable in respect of the National Residential Property Tax under Sub-Part BB of Part VIII and any information required in relation thereto; and*

*(iv) such other particulars as may be required by the Director-General, and*

*at the same time pay any tax payable in accordance with his return.*

[1] FA (No.2) 2009 -Section 112(c) amended, by deleting the figure “385,000” and replacing it by the figure “400,000” - shall come into operation on 1 January 2010 in respect of the income year commencing on 1 January 2010 and in respect of every subsequent income year.
FA 2007 - Section 112 amended, by deleting the words “215,000 rupees” and replacing them by the words “385,000 rupees”; shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

[2] FA 2009 – The words “30 September” deleted and replaced by the words “31 March” shall come into operation on 1 January 2010.

FA 2006 – Section 112 deleted and replaced , shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

- ***Income years 1996-97 to 1999-00***

***112. Return and payment of tax by individuals***

*(1) (a) Subject to the other provisions of this Act, every individual who is a taxpayer, or who derives gross income falling under Sub-Part B of Part VIII exceeding the CPS threshold, whether or not he is a taxpayer, shall submit to the Commissioner, not later than 30 September, a return in such manner and in such form as may be approved by him specifying -*

*(i) all income derived by the individual during the preceding income year;*

*(ii) the personal reliefs and deductions to which he is entitled [under sections 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41 and 42 ][1] in respect of the preceding income year; and*

*(iii) such other particulars as may be required by the Commissioner, and*

*at the same time pay any tax payable in accordance with his return.*

*(b) The relief by way of deductions under sections 31, 32, 33 and 34 shall be subject to the limit under section 35.*

*(2) Subject to subsection (3), where, at the end of an income year, an exempt person has a chargeable income for that income year, he shall submit the return required to be submitted under subsection (1) and at the same time pay any tax payable.*

*(3) Subject to section 113, where, in relation to an income year, an individual has a chargeable income on which the amount of tax due does not exceed 750 rupees, he shall be under no obligation to submit a return under this section or to pay any tax due on that chargeable income.*

*(4) Subject to section 113, where, in respect of an income year, the tax on the chargeable income of an individual whose gross income falls under Sub-Part A and Sub-Part B of Part VIII exceeds the amount of tax withheld and paid under those Sub-Parts for that income year by an amount not exceeding 250 rupees, that person shall be under no obligation to submit a return under this section or to pay that amount of tax.*

[1] The words "under sections 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41 and 42" deleted by FA 1997.

- ***Income year 2000-01***

### *112. Return and payment of tax by individuals*

*(1) (a) Subject to the other provisions of this Act, every individual who is a taxpayer, or who derives gross income falling under Sub-Part B of Part VIII exceeding the CPS threshold, whether or not he is a taxpayer, shall submit to the Commissioner, not later than 30 September, a return in such manner and in such form as may be approved by him specifying -*

*(i) all income derived by the individual during the preceding income year;*

*(ii) the personal reliefs and deductions to which he is entitled [under sections 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41 and 42]*[1] *in respect of the preceding income year; and*

*(iii) such other particulars as may be required by the Commissioner, and*

*at the same time pay any tax payable in accordance with his return.*

*(b) The relief by way of deductions under sections [31,]*[2] *32, 33 and 34 shall be subject to the limit under section 35.*

*(2) Subject to subsection (3), where, at the end of an income year, an exempt person has a chargeable income for that income year, he shall submit the return required to be submitted under subsection (1) and at the same time pay any tax payable.*

*(3)*[3] *Subject to section 113, where, in respect of an income year, the tax on the chargeable income of an individual whose gross income falls under Sub-Part A and Sub-Part B of Part VIII exceeds the amount of tax withheld and paid under those Sub-Parts for that income year by an amount not exceeding 250 rupees, that person shall be under no obligation to submit a return under this section or to pay that amount of tax.*

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[1] The words "under sections 28, 29, 30, 31, 32, 33, 34, 36, 37 , 38, 39, 40, 41 and 42" deleted by FA 1997.

[2] The figure "31," deleted by FA 2000.

[3] Previous subsection (4) renumbered (3) by FA 2000, the previous subsection (3) being deleted. Effective as from income year 2000-01. Previously ITA 1995 as amended –

(3) Subject to section 113, where, in relation to an income year, an individual has a chargeable income on which the amount of tax due does not exceed 750 rupees, he shall be under no obligation to submit a return under this section or to pay any tax due on that chargeable income.

## Income years 2002-2003

**Sub-Part C - Returns**

**112. Return and payment of tax by individuals**

(1) **(1)** Subject to this Act, every registered person under section 99A(2) or 105A(2), whether or not he is a taxpayer, shall, in respect of an income year, submit to the Commissioner, not later than 30 September following that income year, a return in such form and manner as may be approved by the Commissioner specifying -

(a) all income derived by him during that income year;

(b) the personal reliefs and deductions to which he is entitled in respect of that income year; and

(c) such other particulars as may be required by the Commissioner; and

at the same time pay any tax payable in accordance with his return.

(2) **(1)** The relief by way of deductions under sections 32, 33 and 34 shall be subject to the limit under section 35.

(3) **(1)** Where, at the end of an income year, a person**(2)** has a chargeable income for that income year, he shall submit the return required to be submitted under subsection (1) and at the same time pay any tax payable.

[*(4)*] **(1)(3)**

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**(1)** Subsection (1) deleted and replaced by MRA Act 2004.
Previous subsection (1) deleted and replaced by subsections(1) & (2) - FA 2001, the previous subsections (2) & (3) being renumbered (3) & (4) respectively. Effective as from **income year 2001-02**.

(1) *Subject to the other provisions of this Act, every individual who, whether or not he is a taxpayer, derives during an income year gross income falling under -*

*(a) section 10(1)(a) exceeding 400,000 rupees; or*
*(b) Sub-Part B of Part VIII exceeding the CPS threshold,*

*shall submit to the Commissioner, not later than 30 September following that income year, a return in such manner and in such form as may be approved by him specifying -*

*(i) all income derived by the individual during that income year;*
*(ii) the personal reliefs and deductions to which he is entitled in respect of that income year; and*
*(iii) such other particulars as may be required by the Commissioner; and*

*at the same time pay any tax payable in accordance with his return.*

Previously ITA 1995 as amended - see page 93

**(2)** The words "Where, at the end of an income year, a person" replaced "Subject to **subsection (4)**[i], where, at the end of an income year, an exempt person" by FA 2002. Effective as from 1.7.2002.

[i] The words "subsection (4)" replaced "subsection (3)" by FA 2001.

**(3)** See footnote (1) above. Subsection (4) as renumbered is deleted by FA 2002. Effective as from 1.7.2002. Previously ITA 1995 as amended -

(4) Subject to section 113, where, in respect of an income year, the tax on the chargeable income of an individual**, other than an individual falling under subsection (1)(a) or (1)(b)**[i], whose gross income falls under Sub-Part A and Sub-Part B of Part VIII exceeds the amount of tax withheld and paid under those Sub-Parts for that income year by an amount not exceeding 250 rupees, that person shall be under no obligation to submit a return under this section or to pay that amount of tax.

**(i)** The words "other than an individual falling under subsection (1)(a) or (1)(b)," inserted by FA 2001

583 FA 2023 – Paragraph (a)(i) amended, by deleting the words "the Category A Income Exemption Threshold specified in the Third Schedule" and replacing them by the words "390,000 rupees", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

584 FA 2023 – Subsection (1)(b) amended, by deleting the words "leviable income under section 16B or" and replacing them by the word "a", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

585 FA 2023 – Subsection (1)(b)(i) amended, by deleting the words "income exemption threshold" and "is entitled" and replacing them by the words "personal reliefs and deductions" and "are entitled", respectively, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

586 FA 2012 – New subsection (1A) inserted after subsection (1) - shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

587 FA 2020 – Subsection (3) repealed – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

*Previously was:*

*Notwithstanding subsection (1), where an individual submits his return electronically through the computer system of the Authority and at the same time makes payment, through internet banking, to the Director-General, of the tax payable in accordance with the return, the due date for the submission and for payment shall be 15 October.*

FA 2015 – Subsection (3) amended, the words "15 April" deleted and replaced by the words "15 October" - shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

588 FA 2020 – Subsection (4) repealed –shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

*Previously was:*

*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.*

589 FA 2021- New section 112A inserted after section 112 – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

590 FA 2006 – Subsection (1) deleted and replaced w.e.f 01.07.06.
ITA 1995:-

*(1) For the purposes of ascertaining for any income year the chargeable income of a person -*

*(a) who has not submitted a return under section 112 and the Commissioner has reason to believe that the person is a taxpayer; or*

*(b) who is not required to submit a return under section 112(3) [or 112(4)]*[1]*,*

*the Commissioner may, by notice in writing, require that person to submit to him a return in such manner and in such form as may be approved by him giving the particulars specified in section 112(1).*

(1) The words [or 112(4)] deleted by FA 2000. Effective as from income year 2000-01.

591 Proclamation No. 10 of 2016 – The amendment made below shall come into operation on 1 June 2016.
FA 2015 – Section 114(1) amended, the figure "4" deleted and replaced by the figure "3" shall come into operation on a date to be fixed by Proclamation.

592 MRA Act 2004. Subsection (3) deleted and replaced.
Subsection (3) amended by FA 2001.
*Any person aggrieved by a notice under subsection (2) may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983.*

Previously ITA 1995 as amended -
(3) Any person aggrieved by a notice under subsection (2) may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984.

593 THE FOUNDATIONS ACT 2012 – Subsection (1) amended , the word "Foundation," inserted after the words "protected cell company," w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

FA 2011 – Subsection (1) amended , the words "cell of a protected cell company," inserted after the words "non-resident société," - shall come into operation in respect of the year of assessment commencing 1 January 2013 and in respect of every subsequent year of assessment.

FA 2007 – Subsection (1) amended by deleting the words "the date specified in subsection (2)" and replacing them by the words "six months from the end of the month in which its accounting period ends"; in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

The words "other than a trust to which section 46(3) applies" added by the Trusts Act 2001. Effective as from 1.12.2001 - Proclamation No. 22 of 2001.

Subject to the other provisions of this Act, every company, non-resident société, trust other than a trust to which section 46(3) applies or trustee of a unit trust scheme, whether or not it is a taxpayer, shall submit to the Director-General, not later than the date specified in subsection (2), a return in such manner and in such form as may be approved by him specifying -

594 FA 2010 –Section 116(1) paragraph (b) repealed shall be deemed to have come into operation as from the year of assessment 2011.
*(b) the amount of tax payable in respect of the National Residential Property Tax under Sub-Part BB of Part VIII and any information required in relation thereto;*

595 FA 2006 – Paragraphs (a) and (b) repealed and replaced shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
(a) all income derived by it during the preceding income year; and

*(b) such other particulars as may be required by the Commissioner, and* at the same time pay any tax payable in accordance with its return.

596 FA 2013 – Subsection (2) amended the words "on 30" deleted and replaced by the words "in the month of" - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

FA (No.2) 2009 - Section 116 amended, by inserting, after subsection (1), the new subsection (2) w.e.f. 19.12.09.

FA 2007 - Subsection (2) repealed , in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

*For the purposes of subsection (1), the date specified shall be –*

*(a) where the company, non-resident société, trust or trustee of a unit trust scheme, as the case may be, has an approved return date, not later than 30 September following the income year; or*

*(b) in any other case, not later than 31 January [1] following the income year.*

[1] The words "31 January" replaced "31 December" by FA 1997. Effective as from year of assessment 1997-98.

[597] FA 2015 – Subsection (2A) amended, the words "44A or" deleted - shall come into operation in respect of the income year commencing on 1 July 2015 and in respect of every subsequent income year.

FA 2013 – New Subsection (2A) inserted - shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

[598] FA 2015 – New subsections (2B) and (2C), inserted after subsection (2A) w.e.f. 14 May 2015.

[599] FA 2015 – New subsections (2B) and (2C), inserted after subsection (2A) w.e.f. 14 May 2015.

[600] FA 2017 – Subsection (3) repealed and replaced, shall come into operation on 1 January 2018.

*(3) Where in an income year, a company derives gross income and exempt income exceeding 10 million rupees or is an employer submitting PAYE return and remitting tax withheld electronically under Sub -Part A of Part VIII, or is a corporation holding a Category 1 Global Business Licence under the Financial Services Act it shall, unless otherwise authorised -*

*(a) submit its return and pay any tax payable under subsection (1) electronically in accordance with section 128A; and*

*(b) continue to submit its return and pay tax electronically until such time as it ceases to be required to submit a return under subsection (1).*

FA 2013 – Subsection (3)(a) amended, the words "through such computer system as may be approved by the Director-General" deleted and replaced by the words "in accordance with section 128A" shall be deemed to have come into operation in respect of the year of assessment commencing 1 January 2014 and in respect of every subsequent year of assessment.

FA 2011 – Subsection (3) amended, the words "or is a corporation holding a Category 1 Global Business Licence under the Financial Services Act"; inserted after the words "Part VIII" - w.e.f. 15 December 2011.
FA 2009 – The words "30 million rupees" deleted and replaced by the words "10 million rupees" w.e.f. 30 July 2009.

FA 2007 - Subsection (3) repealed and replaced, , in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

Subsection (3) added by FA 2003. Effective as from 1st September 2003.

*(3) Where a company is an employer submitting PAYE return and remitting tax withheld electronically under Sub-Part A of Part VIII, it shall, unless otherwise authorised, submit its return and pay any tax payable under subsection (1) electronically through such computer system as may be approved by the Director-General.*

[601] FA 2016 - New Section 116A inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

FA 2011 – Section 116A repealed, shall come into operation on 1 January 2012.

FA 2010 – New section 116A inserted, after section 116 – shall come into operation on 1 January 2011.

***116A. Return of dividends by companies***

*(1) Every company which pays a dividend in an accounting period shall, within one month after the end of its accounting period, submit to the Director-General, in respect of that accounting period, a return specifying in respect of every person to whom dividend exceeding 50,000 rupees has been paid –*

*(a) the full name and address; and*

*(b) such other particulars as may be prescribed.*

*(2) Where in an accounting period, a company pays dividend and its gross income and exempt income, in the aggregate, exceeds 10 million rupees, the company shall submit the return under subsection (1) electronically, unless otherwise authorised, through such computer system as may be approved by the Director-General.*

*(3) For the purposes of subsection (1) –*
*"person" –*

*(a) means any individual, société or succession, resident in Mauritius; but*

*(b) does not include a société falling under Part I of the Second Schedule.*

[602] FA 2016 - New Section 116B inserted, shall come into operation on 1 January 2017.

[603] FA 2024 – New Subsection 1A inserted after subsection 1 w.e.f 27 July 2024.

[604] FA 2020 – Section 116B(3) amended, the words "by a company or a *société*" deleted w.e.f 7 August 2020.

[605] FA 2016 - New Section 116C inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

[606] FA 2017 –New section 116D inserted after section 116C shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

[607] FA 2021 – Section 116D amended, subsection(2) added – shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

[608] Section 117A added by FA 2005. Effective as from assessment year 2005-06.

[609] FA 2009 – The words "section 112 or 116" deleted and replaced by the words "section 116" shall be deemed to have come into operation on 1 July 2009.

[610] FA 2009 – The words "12 months" deleted and replaced by the words "18 months" shall be deemed to have come into operation on 1 July 2009.

[611] FA 2015 – Section 117A(2) amended, the words "31 December" deleted and replaced by the words "30 June" shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2009 –Subsection (2) repealed and replaced by the following subsection shall be deemed to have come into operation on 1 July 2009.

FA 2007 - Section 117A(2) amended, by deleting the words "for the purposes of section 116(2)"; in

relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

*(2) Where the annual balance of the accounts ends on a date other than 30 June, that date shall be deemed to be an approved return date and the return submitted under subsection (1) shall be deemed to have been made in relation to the income year ending on 30 June following that date.*

*ITA 1995*

*(2) Where the annual balance of the accounts ends on a date other than 30 June, that date shall be deemed to be an approved return date for the purposes of section 116(2) and the return submitted under subsection (1) shall be deemed to have been made in relation to the income year ending on 30 June following that date.*

612 **118. Approved return date**

(1) *Any person required to submit a return under section 112 or 116 may, with the approval of the Commissioner, elect to submit a return for the period of 12 months ending with the date of the annual balance of his accounts, and that return shall, for the purposes of section 112 or 116, be deemed to have been made in relation to the income year ending with 30 June which follows the end of the period.*

*(2) Where a return date is approved under this section, the Commissioner shall determine the basis on which the income derived by the person concerned in the income year in which the return date is changed and in the subsequent 2 years shall be computed, and that person shall be liable to income tax accordingly.*

*(3) Where a person in relation to whom a return date has been approved under this section ceases permanently to carry on the business or any other income earning activity which he carried on at the time of the approval, the Commissioner shall determine the basis on which the income derived by the person concerned in the income year in which the cessation occurs and in the previous income year shall be computed and that person shall be liable to income tax accordingly.*

*(4) The Commissioner may, after giving not less than 3 months' notice to a person who has made an election under subsection (1), withdraw his approval under that subsection.*

*(5) A person who has made an election under subsection (1) may, with the Commissioner's prior written consent, elect for a new return date.*

613 FA (No.2) 2009 - Section 118(1) amended, by deleting the words "3 months" and replacing them by the words "6 months" w.e.f. 19.12.09.

614 FA 2009 – The words "section 112 or 116" deleted and replaced by the words "section 116" shall be deemed to have come into operation on 1 July 2009.

615 FA 2009 –Subsection (5) repealed, shall be deemed to have come into operation on 1 July 2009.

FA 2008 - Subsection (5) added w.e.f 19.07.08.

*(5) Where the due date of six months provided under section 116 for the submission of return in respect of an accounting period by a company with an approved return date falls on a date which does not form part of the year of assessment in which the income of that accounting period is taxable, that date shall, for the purposes of section 4, be deemed to fall in that year of assessment.*

616 FA 2015 – Section 118A repealed and replaced shall come into operation on 1 July 2015.

***118A. Return of income in respect of approved return date***

*Subject to the other provisions of this Act –*

*(a) where a person has an approved return date ending on any date falling on or between 1 January and 30 June, a return submitted under section 116 shall be deemed to have been made in relation to the income year ending on 31 December preceding that return date; and*

*(b) where a person has an approved return date ending on any date falling on or between 1 July and 30 December, a return submitted under section 116 shall be deemed to have been made in relation to the income year ending on 31 December following that return date.*

FA 2009 – Section 118A added, shall be deemed to have come into operation on 1 July 2009.

617 The words "other than a trust to which section 46(3) applies" added by the Trusts Act 2001. Effective as from 1.12.2001. - Proclamation No. 22 of 2001.

618 FA 2020 – Subsection (1) amended, the word "electronically" inserted after the word "submit" w.e.f 7 August 2020.

FA 2015 – Sections 119, 119A and 120 amended, the words "31 March" deleted and replaced by the words "30 September" wherever they appear, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2009 – In section 119, the words "30 September" deleted and replaced by the words "31 March" wherever they appear, shall come into operation on 1 January 2010.

619 FA 2007 – Section 119(1) amended : paragraphs (a), (b) and (c) repealed and replaced by the following paragraphs (a) and (b) - and the words "at the same time pay the tax payable referred to in paragraph (b) in accordance with its return" deleted w.e.f 22.08.07 .

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*(a) the full name of the beneficiaries and the amount distributed to each of them;*

*(b) the amount of tax payable in respect of the National Residential Property Tax under Sub-Part BB of Part VIII and any information required in relation thereto; and*

*(d) such other particulars as may be required by the Director-General, and*

*at the same time pay the tax payable referred to in paragraph (b) in accordance with its return.*

FA 2006 – Subsection (1) amended by repealing and replacing paragraphs (a) and (b) shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

ITA 1995:-

*(a) the full name of the beneficiaries and the amount distributed to each of them; and*

(b) *such other particulars as may be required by the Commissioner.*

620 FA 2020 – Subsection (2) amended, the word "electronically" inserted after the word "submit" w.e.f 7 August 2020.

FA 2012 – Section 119 subsection (2) repealed and replaced shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

(2) Notwithstanding section 47, every resident société shall, in respect of an income year, submit to the Director-General, not later than 31 March following that income year, a return in such manner and in such form as may be approved by him specifying -

(a) all income derived by it during that income year;

(b) the full name of the associates and the share of income accruing to each of them;

(c) **Repealed**

(d) such other particulars as may be required by the Director-General, and

at the same time pay the tax payable referred to in paragraph (c) in accordance with its return.

FA 2009 – Subsection (2) amended, the word "Every" deleted and replaced by the words "Notwithstanding section 47, every" shall come into operation on 1 January 2010.

FA 2009 – In section 119, the words "30 September" deleted and replaced by the words "31 March" wherever they appear, shall come into operation on 1 January 2010.
FA 2010 – Section 119(2) amended by repealing paragraph (c) - shall be deemed to have come into operation as from the year of assessment 2011.

*(c) the amount of tax payable in respect of the National Residential Property Tax under Sub-Part BB of Part VIII and any information required in relation thereto; and*

FA 2006 –Subsection (2) amended by repealing paragraphs (b) and (c) and replacing them by the following paragraphs , shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
ITA 1995:-
*(b) the full name of the associates and the share of income accruing to each of them; and*
*(c) such other particulars as may be required by the Commissioner.*

621 FA 2015 – Sections 119, 119A and 120 amended, the words "31 March" deleted and replaced by the words "30 September" wherever they appear, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2012 –New section 119A inserted after section 119 shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

622 FA 2020 – Section 120(1) amended, the word "electronically" inserted after the word "submit" w.e.f 7 August 2020.

FA 2015 – Sections 119, 119A and 120 amended, the words "31 March" deleted and replaced by the words "30 September" wherever they appear, shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2009 – Section 120 (1), the words "30 September" deleted and replaced by the words "31 March" shall come into operation on 1 January 2010.

623 FA 2007 - Section 120 amended, by repealing subsections (1) and (2) and replacing them by the following subsection w.e.f 22.08.07.

*(1) Subject to subsection (4), where the estate of a deceased taxpayer has not been distributed, any person liable to income tax under section 83 shall submit to the Director-General, not later than the date specified in subsection (2), a return in such manner and in such form as may be approved by him specifying -*

*(a) all income derived by the estate during the preceding income year;*

*(b) the full name of the beneficiaries and the respective share of their income in the estate;*

*(c) the amount of tax payable in respect of the National Residential Property Tax under Sub-Part BB of Part VIII and any information required in relation thereto; and*

*(d) such other particulars as may be required by the Director-General, and*

*at the same time pay the tax payable referred to in paragraph (c) in accordance with its return.*

*(2) For the purposes of subsection (1), the date specified shall be -*

*(a) where the estate has an approved return date, not later than 30 September following the income year; or*
*(b) in any other case, not later than 31 December following the income year.*

FA 2006 –Subsection (1) amended by repealing paragraphs (b) and (c) and replacing them by the following paragraphs, shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

ITA 1995:-
*(b) the full name of the beneficiaries and the respective share of their income in the estate; and*
(c) *such other particulars as may be required by the Commissioner.*

624 FA 2021- Section 121(1) amended, the words "section 112" deleted and replaced by the words "sections 112,112A" – shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

FA 2015 – Subsection (1) amended, the word "Where" deleted and replaced by the words "Subject to subsection (1A), where" shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

FA 2009 – Section 121 subsection (1) amended, the words " section 112, 116, 129 or 131" deleted and replaced by the words "section 112, 116 or 119" w.e.f. 30 July 2009.

FA 2006 –Section 121 amended by repealing subsection (1) and replacing it by the following subsection shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(1) Where -*

*(a)* [(1)] *a person deriving gross income -*

*(i) falling under section 10(1)(a) exceeding 400,000 rupees; or*

*(ii) specified in section 10(1)(b) and rent specified in section 10(1)(c),*

*fails to submit a return under section 112; or*

*(b) a company, société, trust or trustee fails to submit a return under section 116,*

*the person shall be liable to pay to the Commissioner a penalty representing 5,000 rupees* [(2)] *per month or part of the month or such other amount as may be prescribed, until the time the return is submitted, provided that the total penalty payable shall not exceed 50,000 rupees*".[(3)]

(1) Paragraph (a) amended by FA 2002. Effective as from year of assessment 2002-03. Previously ITA 1995 as amended -
(a) a person deriving gross income specified in section 10(1)(b) and rent specified in section 10(1)(c) fails to submit a return under section 112; or

[2] Amended by FA 1997. Effective as from year of assessment 1997-98. Previously ITA 1995 as amended - Rs 1,000 .

[3] The words ", provided that the total penalty payable shall not exceed 50,000 rupees" added by FA 2000.

625 FA 2018 - Section 121 (1A) amended, new paragraph (b) added the existing provision being lettered as paragraph (a) w.e.f 9 August 2018.

FA 2016 - Subsection (1A) amended, the words "or an individual who is not in business" inserted after the words "10 million rupees" w.e.f 7 September 2016.

FA 2015 – New subsection(1A) inserted after subsection (1) w.e.f. 14 May 2015.

626 FA 2009 –Subsection (2) repealed and replaced w.e.f. 30 July 2009.

FA 2008 - Section 121 subsection (2) repealed and replaced – shall be deemed to have come into operation on 1 July 2008.

*(2) Where a company, société , trust or trustee submits a return under section 116 but does not -*

*(a) fill in the fields in the form of the return all the particulars required to be filled in; or*

*(b) attach to the return its profit and loss account and balance sheet or in the case of a trust or trustee such other appropriate statement of account,*

*it shall be deemed not to have submitted a return under section 116 and shall be liable to pay to the Director-General the penalty specified in subsection (1).*

ITA 1995 -

*(2) Where a company, société, trust or trustee submits a return under section 116 but does not attach to the return its profit and loss account and balance sheet or in the case of a trust or trustee such other appropriate statement of account, it shall be deemed not to have submitted a return under section 116 and shall be liable to pay to the Director-General the penalty specified in subsection (1).*

627 FA 2015 – Subsection (3) repealed and replaced - shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

*(3) Where a person deriving gross income specified in section 10(1)(b) and rent specified in section 10(1)(c) submits a return under section 112 but does not attach to the return his profit and loss account and balance sheet or such other statement of account as may be necessary to ascertain his net income, he shall be deemed not to have submitted a return under section 112 and shall be liable to pay to the Director-General the penalty specified in subsection (1).*

628 FA 2015 – Subsection (1) amended, the word "Where" deleted and replaced by the words "Subject to subsection (1A), where" w.e.f. 14 May 2015.

FA 2006 – Section 122 deleted and replaced shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

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ITA 1995:-

***122. Penalty for late payment of tax** [specified in return]* [1]

*(1) Subject to subsection (2), where a taxpayer fails to pay any income tax due on or before the last day on which it is payable under section 112 or 116, he shall be liable to pay to the Commissioner, in addition to the tax, a penalty representing 2 per cent of the amount of tax, excluding any penalty imposed under this section and under section 109, 110, 111 or 121, as the case may be, for each month or part of the month during which the tax remains unpaid.*

*(2) The penalty under this section shall not, in the aggregate, exceed the amount of income tax remaining unpaid excluding any penalty imposed under this section and under section 109, 110, 111 or 121.*

(1) The words "specified in return" deleted by FA 1997.

629 FA 2012 – Sections 122(1), 122D(1) and 132(1) amended , the words ", 129A" inserted after the figure "129" w.e.f. 22 December 2012.

FA 2009 – Section 122(1) amended, the words "119," inserted after, the words "116," w.e.f. 30 July 2009.

630 FA 2018 - Section 122 (1A) amended, new paragraph (b) added the existing provision being lettered as paragraph (a) w.e.f 9 August 2018.

FA 2016 - Subsection (1A) amended, the words "or an individual who is not in business" inserted after the words "10 million rupees" w.e.f 7 September 2016.

FA 2015 – New subsection(1A) inserted after subsection (1) w.e.f. 14 May 2015.

631 MRA Act 2004. Section 122A amended.

Section 122A added by FA 1999-00. Effective as from income year 1999-00.

(1) *Notwithstanding section 8A of the Unified Revenue Act 1983 and section 154 of this Act but subject to subsection (2), where a company fails to submit a return under section 116, the Commissioner may, without prejudice to any action he may take under this Act, with the approval of the Authority established under the Unified Revenue Act 1983, cause to be published, not later than 5 months after the due date, in 2 newspapers in circulation in Mauritius, the name of the company, the name and address of its directors and the year of assessment in respect of which the return has not been submitted.*

*(2) The Commissioner shall, prior to the publication referred to in subsection (1), notify the company in writing of his intention to publish the name of the company in accordance with subsection (1), unless the company submits the return due within 7 days of the date of the notice.*

632 FA2024 – Section 122A(1) amended, by deleting the words "not later than 5 months" and replacing them by the words "not less than 3 months" w.e.f 27 July 2024.

FA 2022 - subsection (1) being amended, by deleting the words "in 2 newspapers in circulation in Mauritius" and replacing them by the words "on the website of the Authority", w.e.f 02 August 2022.

633 FA 2022 - subsection (2) being amended, by inserting, after the word "writing", the words "or electronically";w.e.f 02 August 2022.

634 Section 122B added by FA 2002. Effective as from year of assessment 2002-03

635 FA 2006 –Section 122 C added, shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

636 FA 2007 - Section 122C amended, the words "a penalty of 20 per cent of the tax payable, provided that the penalty payable shall not exceed 100,000 rupees" deleted and replaced w.e.f 22.08.07.

*Any person who is required to submit his return under section 11(3) and make any payment of tax electronically, but fails to do so, after written notice being given to hm by the Director-General, and his failure within a period of 7 days from the date of the notice to justify the failure, shall be liable to pay to the Director-General, a penalty of 20 per cent of the tax payable, provided that the penalty payable shall not exceed 100,000 rupees.*

637 FA 2006 –Section 122 D added, shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

638 FA 2015 – Section 122D amended, subsection (1) repealed and replaced w.e.f. 14 May 2015.

(1) *Any person who fails to pay any tax under section 50F, 100, 106, 112, 116, 129,129A or 131 shall be liable to pay, in addition to the tax and penalty under sections 50F, 101, 101A, 109, 110, 111, 121, 122 and 122C, interest at the rate of 1 per cent per month or part of the month during which the tax remains unpaid.*

FA 2007 - Subsection (1)amended by deleting the words "section 100" and "sections 101" and replacing them by the words "section 50F, 100" and "sections 50F, 101" respectively; w.e.f 01.07.08.

639 FA 2009 – Section 122D(2) amended, the words "and 122C" deleted and replaced by the words the words ", 122C and 129(1A)" w.e.f. 30 July 2009.
FA 2007 - Subsection (2) amended, by deleting the words "sections 101" and replacing them by the words "sections 50F, 101" w.e.f 01.07.08

640 FA 2016 - New section 122DA inserted after section 122D w.e.f 7 September 2016.

641 FA 2015 – Part VIII amended, new Sub-Part D added shall come into operation on 1 July 2015.

642 FA 2023 – Subsection (1) amended, by deleting the word "Every" and replacing it by the words "Notwithstanding any other enactment, every", w.e.f 20 July 2023.

FA 2021- Section 123(1) amended, the words "or sent electronically" inserted after the word "writing" wherever it appears – w.e.f 05 August 2021.

643 FA 2021- Section 123(2) amended, the words "or sent electronically" inserted after the word "writing" wherever it appears – w.e.f 05 August 2021.

FA 2017 – Subsection (2) amended, the words "Subject to subsection (3), any" deleted and replaced by the words "Any" w.e.f 24 July 2017.

644 FA 2017 – Subsection (3) Repealed w.e.f 24 July 2017.

(*3*) *Subsection (2) shall not apply to any person -*

*(a) who, under any other enactment, is prohibited from communicating any information relating to any other person, but only in so far as that information is concerned; or*

*(b) who carries on a banking business, but only in so far as information relating to transactions made by any person with the bank are concerned.*

645 FA 2023 – Subsection (4) amended, by inserting, after the words "Banking Act", the words ", the Data Protection Act, the Information and Communication Technologies Act", w.e.f 20 July 2023.

FA 2017 – Subsection (4) amended, the words "subsection (3)(b)," deleted w.e.f 24 July 2017.

Subsection (4) amended by Banking Act 2004. The words "sections 39 and 51(2) of the Banking Act 1988" deleted and replaced by "section 64 of the Banking Act 2004". Effective date 10 November 2004 - Proclamation No. 39 of 2004.

646 FA 2006 –Paragraphs (a) repealed and replaced w.e.f 7.08.06.
ITA 1995:- *(a) any amount paid as interest to depositors;*

647 FA 2022 – subsection (4)(b) amended, by deleting the words “or in the name of any other person” and replacing them by the words “in the name of any other person or is held jointly with any other person”, w.e.f 02 August 2022.

648 FA 2022 – subsection (4)(b)(i) amended, by deleting the words “dangerous weapons” and replacing them by the words “dangerous weapons, or an offence of money laundering or financing of terrorism”w.e.f 02 August 2022.

FA 2010 – subsection (4)(b)(i) amended by deleting the word “and” and replacing it by the word “or” – w.e.f. 24.12.2010.

649 FA 2023 – New Subsection (123)(b)(iii) inserted, w.e.f 20 July 2023.

650 MRA Act 2004 - Subsection (5) deleted and replaced.
*Where any person who is required to furnish any information under subsection (4)(b) considers that the Commissioner's request is unreasonable, he may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983.*

The words “lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983” replaced “appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984” by FA 2001.

651 Subsection (6) amended by FA 2001. Previously ITA 1995 as amended -
*(6) On an appeal it shall be sufficient for the Commissioner to satisfy the Tribunal that he has reasonable grounds to request the disclosure of the information.*

652 FA 2010 –Subsection (7) repealed - w.e.f. 24.12.2010.
*(7) For the purposes of this section, "Commissioner" includes the Director-General appointed under the Unified Revenue Act 1983.*

The words "Director-General" replaced "Director, Fiscal Investigations" by FA 1999. Effective as from 1.7.99. Previously FA 1998 -"Director, Fiscal Investigations" replaced "Commissioner for Fiscal Investigations"

653 The words “following the hearing on the representations before the Committee” replaced “on appeal” by FA 2001.

654 The words “by the Intermediate Court” deleted by Unified Revenue (Amendment) Act 2003.

655 Subsection 9 deleted by Unified Revenue (Amendment) Act 2003, Previously Income Tax Act 1995 –
(9) Notwithstanding any other enactment, the Intermediate Court shall have jurisdiction to impose the fine specified in subsection (8).

656 Proclamation No. 10 of 2016 – The New section 123A shall come into operation on 1 June 2016.
FA 2015 – New section 123A, inserted after section 123 shall come into operation on a date to be fixed by Proclamation.

657 FA 2016 - Subsection (1) amended, the words “and subject to sections 127 and 130” inserted after the words “Notwithstanding this Act,” w.e.f 7 September 2016.

**658** FA 2021- Subsection (1) amended, the words “unless the Director-General applies ex parte for and obtains the authorisation of the Independent Tax Panel under the Mauritius Revenue Authority Act” deleted and replaced by the words “unless a return of income under section 112, 116 or 119, as the case may be, in respect of a year of assessment, has not been submitted by a taxpayer or in case of fraud” – w.e.f 05 August 2021.

659 FA 2021 – Subsection (2) repealed – w.e.f 05 August 2021.

*(2) An authorisation under subsection (1) shall be granted where the Director-General establishes to the satisfaction of the Independent Tax Panel that there is prima facie evidence of fraud or non-submission of return by a person liable to tax.*

FA 2016 - Subsection (2) amended, the word "fraud" deleted and replaced by the words "fraud or non-submission of return by a person liable to tax" w.e.f 7 September 2016.

660 FA 2021 – Subsection (3) repealed – w.e.f. 05 August 2021.

*(3) In an application under subsection (1), the Director-General shall specify the period in respect of which he proposes to do the act or thing referred to in subsection (1)*

661 FA 2015 – New section 123B, inserted after section 123 shall come into operation on 1 July 2015.

662 FA 2016 - New Section 123C inserted after Section 123B Shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

663 FA 2017 – Subsection (1) repealed and replaced w.e.f 24 July 2017.

*(1) Every person who, in an income year –*

*(a) derives net income and exempt income exceeding 15 million rupees; or*

*(b) owns assets the cost of which exceed 50 million rupees, shall submit to the Director-General a statement of assets and liabilities at the time of submission of his return under section 112.*

664 FA 2017 – Subsection (2) amended, the words "submitted in such form and manner as may be prescribed" deleted and replaced by the words "in the form set out in the Twelfth Schedule" w.e.f 24 July 2017.

665 FA 2018 - Section 123C amended, new subsections (4) and (5) added w.e.f 9 August 2018.

666 FA 2017 – New section 123D inserted after section 123C shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

667 FA2024 – Subsection (1)(a) of Section 123D has been repealed and replaced w.e.f 27 July 2024.

*(a) Subject to this section, every bank or non-bank deposit taking institution under the Banking Act shall furnish to the Director-General, on or before 15 August in every year, a statement of financial transactions effected by –*

*(i) an individual in his own name or jointly with any other person654*, a société or a succession that made a deposit exceeding 250,000 rupees or deposits exceeding 2 million rupees in the aggregate in the preceding year; or*

*(ii) a person, other than an individual, a société or succession, who made a deposit exceeding 500,000 rupees or deposits exceeding 4 million rupees in the aggregate in the preceding year.655**

668 FA2024 – New subparagraph (aa) inserted after subparagraph (a) w.e.f 27 July 2024.

669 FA 2021- Subsection (2)(a) amended, the words "200,000 Mauritian rupees" deleted and replaced by the words "100,000 Mauritian rupees" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

[670] FA 2021- Subsection (3(a) amended, the words "500,000 rupees" deleted and replaced by the words "250,000 rupees" - shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

[671] FA 2023 – New Subsection (3A) inserted, w.e.f 20 July 2023.

[672] FA 2023 – New Subsection (3B) inserted, w.e.f 20 July 2023.

[673] FA 2024 – Paragraph (b)(ii) in Subsection 4 amended, by deleting the word "transactions" and replacing it by the words "transactions, other than those credited in a credit or prepaid card account" w.e.f 27 July 2024.

[674] FA 2018 - New section 123E inserted after Section 123D shall come into operation on 1 January 2019.

[675] FA 2021- Section 123E(1) amended, the words "50,000 rupees" deleted and replaced by the words "20,000 rupees" –w.e.f 05 August 2021.

FA 2019 – Section 123E(1) amended, the words "100,000 rupees" deleted and replaced by the words "50,000 rupees" – w.e.f 25 July 2019.

[676] FA 2021- Section 123E(3) amended, by inserting, after the word "Lottery", the words ", operator of the Loterie Vert" –w.e.f 05 August 2021.

[677] FA 2021- Section 123F inserted after Section 123E –shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

[678] FA 2022 - Subsection (1) amended, by deleting the words "or section 64 of the Banking Act" and replacing them by the words ", section 64 of the Banking Act, section 46(1) of the Foundations Act or section 33(2) of the Trusts Act", w.e.f 02 August 2022.

FA 2021- Subsection (1) amended, the words ", or submit electronically" inserted after the words "or in writing" – w.e.f 05 August 2021.

FA 2017 – Subsection (1) amended, the words ", sections 24 and 25 of the Data Protection Act, section 14(7) of the Companies Act" inserted after the words "Financial Services Act" w.e.f 24 July 2017.

FA 2015 – Section 124(1) amended, the words "or section 64 of the Banking Act" inserted after the word "Act" w.e.f. 14 May 2015.

Subsection (1) deleted and replaced by FA 2000. Effective as from 1.7.2000. Previously ITA 1995 as amended –

(1) Every person, when so required by the Commissioner, shall, within the time fixed by the Commissioner, give orally or in writing, as may be required, all such information as may be demanded of him by the Commissioner for the purpose of enabling the Commissioner to make an assessment or to collect tax.

Financial Services Act 2007 - Section 124(1) amended, by deleting the words "section 27(6) of the Financial Services Development Act 2001" and replacing them by the words "section 44(6) of the Financial Services Act 2007" w.e.f 28.09.07.
The words "section 27(6) of the Financial Services Development Act 2001" replaced "section 5 of the Mauritius Offshore Business Activities Act 1992" by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001.

[679] FA 2017 – New subsection (1A) inserted after subsection (1) w.e.f 24 July 2017.

[680] FA 2021 - Subsection (2) amended, the words "or sent electronically" inserted after the words "writing" –w.e.f 05 August 2021.

[681] The word "and" deleted by FA 2000.

[682] Paragraph (d) added by FA 2000. Effective as from 1.7.2000.

683 FA 2018 - Section 124 (3) paragraph (a) repealed and replaced w.e.f 9 August 2018.

*(a) The Minister may, in cases of non-compliance with any request for the exchange of information under an arrangement pursuant to section 76, make such regulations as he thinks fit.*

FA 2017 – New subsection (3) added w.e.f 24 July 2017.

684 FA 2022 – subsection 4(a) amended, by deleting the words "or section 44(6) of the Financial Services Act" and replacing them by the words ", section 44(6) of the Financial Services Act, section 46(1) of the Foundations Act or section 33(2) of the Trusts Act", w.e.f 02 August 2022.

FA 2019 – Section 124 amended, new subsection added – w.e.f 25 July 2019.

685 The words "whether on computer or otherwise," added after the word "documents" by FA 2004. Effective as from 17 August 2004

686 FA 2021- Section 125 amended, new paragraph (c) added – w.e.f 05 August 2021.

687 Paragraphs (a), (b), (c) of Section 126(1) deleted and replaced by FA 2004. Effective as from 17 August 2004.

688 Paragraph 126A added by FA 2004. Effective as from 17 August 2004

689 The words "subsections (2) and (3)" replaced "subsection (2)" by FA 2002. Effective as from 1.7.2002

690 Proclamation No. 10 of 2016 – The amendments made shall come into operation on 1 June 2016.
FA 2015 – Section 127(1) and (2) amended, the figure "4" deleted and replaced by the figure "3" shall come into operation on a date to be fixed by Proclamation.

691 Proclamation No. 10 of 2016 – The amendments made shall come into operation on 1 June 2016.
FA 2015 – Section 127(1) and (2) amended, the figure "4" deleted and replaced by the figure "3" shall come into operation on a date to be fixed by Proclamation.

New subsection (2) inserted by FA 2002. Effective as from 1.7.2002.

692 Previous subsections (2) and (3) renumbered (3) and (4) respectively by FA 2002.

693 The words "subsection (1) or (2)" replaced "subsection (1)" by FA 2002. Effective as from 1.7.2002

694 Previous subsections (2) and (3) renumbered (3) and (4) respectively by FA 2002.

695 The words "subsection (3)" replaced "subsection (2)" by FA 2002. Effective as from 1.7.2002

696 MRA Act 2004. Subsection (4) deleted and replaced.
*Any person aggrieved by a notice under subsection (3)[(2)] may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983.*

The words "may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983" replaced "may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984" by FA 2001.

697 FA 2006 –Section 128 deleted and replaced w.e.f 07.08.06.
ITA 1995:-
***128. Power to waive penalty***
*The Commissioner may waive the whole or part of any penalty imposed under this Act where he is satisfied that failure to comply with this Act was attributable to a just or reasonable cause.*

[698] Section 128A added by FA 2001.

[699] MRA Act 2004 – Subsection (1) amended .
FA 2001.
*Notwithstanding the other provisions of this Act and subject to section 8D of the Unified Revenue Act 1983, the Commissioner may authorise a return, document and payment of income tax or any act or thing which is required to be done in relation thereto, to be made, submitted or done electronically through such computer system as may be approved by him.*

[700] MRA Act 2004 – Subsection (4) deleted.
FA 2001:-
*With effect from such date as may be notified in the Gazette, the Commissioner may direct that any matter, act or thing referred to in subsection (1) shall be made, submitted or done electronically, unless otherwise authorised.*

[701] Heading amended by FA 2001. Previously ITA 1995 as amended - "**ASSESSMENTS AND APPEALS**"

[702] FA 2021- Section 129(1)(a) amended, the words "section 112" deleted and replaced by the words "sections 112, 112A"- shall be deemed to have come into operation in respect of the year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

FA 2009 – Section 129(1)(a) amended, the words "section 112, 113 or 116" deleted and replaced by the words "section 112, 113, 116 or 119" w.e.f. 30 July 2009.

The words "section 112, 113 or 116" replaced "section 112 or 116" by FA 2002. Effective as from 1.7.2002

[703] FA 2011 – Section 129(1) amended by deleting the words "solidarity income tax, where applicable,"- shall come into operation on 1 January 2012.

FA 2010 – Section 129(1) amended by inserting, after the words "chargeable income of,", the words "solidarity income tax, where applicable,"- w.e.f. 24.12.2010.

FA 2006 –Section 129(1) amended by deleting the words "sections 109, 110, 111, 121 and 122," and replacing them by the words "sections 109, 110, 111, 121, 122 and 122C and any interest under section 122D," shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(1) Where, in respect of a year of assessment, the Director-General -*

*(a) is not satisfied with the return submitted by a person under section 112, 113 or 116[(2)], as the case may be; or*

*(b) has reason to believe that a person who has not submitted a return of income is a taxpayer,*

*he may, according to the best of his judgement, make an assessment of the amount of chargeable income of, and income tax payable by, including any penalty under sections 109, 110, 111, 121 and 122, that person for that year of assessment and give him written notice of the assessment.*

[704] FA 2018 - Section 129 (1A) amended, the word "additional" deleted wherever it appears;

FA 2006 –Subsection (1A) added , shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment. .

[705] Subsection (3) deleted by FA 1997. Previously ITA 1995 as amended - "Any person who is aggrieved by an assessment under subsection (1) may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984."

[706] FA 2011 – New section ***129A. Assessments on employers and payers*** inserted - shall come into operation on 1 January 2012.

[707] FA 2016 -Section 129A amended, new subsection (1A) inserted after subsection (1) w.e.f 7 September 2016.

[708] FA 2020 – Section 129A(3)(a) amended, the words "registered post" deleted and replaced by the words "registered post or electronically" w.e.f 7 August 2020.

[709] Proclamation No. 10 of 2016 – The amendment made shall come into operation on 1 June 2016.
FA 2015 – Section 130 amended, the figure "4" deleted and replaced by the figure "3" shall come into operation on a date to be fixed by Proclamation.

FA 2012 – Section 130 amened, the words ", or 129A" inserted after the figure "129" w.e.f. 22 December 2012.

FA (No.2) 2009 - Subsection (1)amended, by deleting the words "section 112, 113 or 116" and replacing them by the words "section 112, 113, 116 or 119" w.e.f. 19.12.09.
The words "preceding the year of assessment in which a return under section 112, 113 or 116, as the case may be, is made" replaced "preceding that year of assessment" by FA 2002. Effective as from 1.7.2002.

[710] FA 2021 – Section 130 amended, new subsection (2) added –w.e.f 05 August 2021.

FA 2015 – Subsection (2) repealed shall come into operation on a date to be fixed by Proclamation.

*(2) The Director-General may, at any time, make an assessment under section 129 -*

*(a) where a return of income under section 112, 116 or 119 [710] *, as the case may be, in respect of a year of assessment has not been made; or*

*(b) in case of fraud or wilful neglect.*

Subsection (2) amended by FA 2002. Effective as from 1.7.2002. Previously ITA 1995 as amended -
(2) The Commissioner may, in case of fraud or wilful neglect, at any time make an assessment under section 129.

[711] FA 2006 –Section 131(1) amended by inserting immediately after the words "section 109, 110, 111, 121 or 122, as the case may be," the words "and any interest under section 122D," shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
ITA 1995:-
(1) *Where the Commissioner is not satisfied with the return submitted by a person under section 115 or 117, as the case may be or has reason to believe that a person who has not submitted a return under those sections is a taxpayer, he may make an assessment of the amount of chargeable income of and income tax payable by, including any penalty under section 109, 110, 111, 121 or 122, as the case may be, that person and give him written notice of the assessment.*

[712] Subsection (3) deleted by FA 1997. Previously ITA 1995 as amended -
(3) Any person who is aggrieved by an assessment under subsection (1) may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984.

[713] Section 131A added by FA 1997.

[714] The words "subsection (6)" replaced "subsection (5)" by FA 2002. Effective as from 1.1.2003

[715] FA 2015 – Subsection (1) amended, the words "or electronically through such computer system as the Director-General may approve under section 128A(1)" added shall come into operation on 1 July 2015.
FA 2011 – Section 131A(1) amended, the words "129 or 131" deleted and replaced by the words "129, 129A or 131" shall come into operation on 1 January 2012.

FA (No.2) 2009 - Subsection (1) amended, by deleting the words "by letter sent to the Director-General by registered post" and replacing them by the words "in a form approved by the Director-General and sent to him by registered post"

[716] FA 2015 – Subsection (2)(b) amended, the figure "30" deleted and replaced by the figure "10" w.e.f. 14 May 2015.

[717] FA 2016 - Paragraph (b) repealed and replaced w.e.f 7 September 2016.

(b) subject to subsection (2A), at the same time, pay 10 per cent of the amount of income tax claimed in the notice of assessment.

[718] FA 2016 - New paragraph (c) added w.e.f 7 September 2016.

[719] FA 2016 - Subsection (2A) amended, the words "(2)(b)" deleted and replaced by the words "(2)(b) or (c)" w.e.f 7 September 2016.

[720] FA (No.2) 2009 - Subsection (2) repealed and replaced by the following subsections w.e.f. 19.12.09.

FA 2008 – Section 131A(2), paragraph (b) repealed and replaced w.e.f 19.07.08.

*(2) Where a person makes an objection under subsection (1), he shall -*

*(a) specify in his letter of objection, in respect of each of the items in the notice of assessment, the detailed grounds of the objection; and*

*(b) at the same time -*

*(i) pay 30 per cent of the amount of income tax claimed in the notice of assessment; or*

*(ii) where he satisfies the Director General on reasonable grounds that he is unable to pay the 30 per cent of the amount of income tax under sub-paragraph (i), give security by way of a bank guarantee on such terms and conditions as the Director General may determine.*

*(b) at the same time pay 30 per cent of the amount of income tax claimed in the notice of assessment.*

Subsection (2) deleted and replaced by subsections (2) & (3) - FA 2002, the previous subsections (3), (4), (5), (6), (7) & (8) being renumbered (4), (5), (6), (7), (8) & (9) respectively. Effective as from 1.1.2003. Previously FA 1997 -

*(2) Where a person makes an objection under subsection (1), he shall specify fully in his letter of objection, in respect of each of the items in the notice of assessment, the grounds of the objection.*

[721] FA 2016 - Subsection (3) amended, the words "(2)(b)" deleted and replaced by the words "(2)(b)(iii) or (c)(iii)" w.e.f 7 September 2016.

[722] Subsection (3) deleted by FA 1997. Previously ITA 1995 as amended -

(3) Any person who is aggrieved by an assessment under subsection (1) may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984.

723 FA 2012 – Sections 131A(5) and 131C(2) amended, the word "unit" deleted and replaced by the word "directorate" w.e.f. 22 December 2012.

724 FA (No.2) 2009 - Subsection (6)(a) amended, by deleting the words "subsection (2)" and replacing them by the words "subsections (2) and (2A)" w.e.f. 19.12.09.

725 The words "subsection (4)" replaced "subsection (3)" by FA 2002. Effective as from 1.1.2003.

726 FA 2006 –Section 131A(8) amended by deleting the words "any penalty under section 133" and replacing them by the words "any interest under section 122D" shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

*(8) Where a notice under subsection (6) or (7)(b) [(1)] is given, the tax specified in the notice of assessment together with any penalty under section 133 [(2)] shall be paid within 28 days of the date of the notice under subsection (6) or (7)(b) [(1)], as the case may be.*

[(1)] The words "subsection (6) or (7)(b)" replaced "subsection (5) or (6)(b)" by FA 2002. Effective as from 1.1.2003

[(2)] The words "together with any penalty under section 133" inserted by FA 2001. Effective as from income year 2001-02.

475 MRA Act 2004. Subsection (9) deleted and replaced.

*Any person who is aggrieved by a decision under subsection (6) or (7)(b) may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983*

The words "may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983" replaced "may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984" by FA 2001.

728 FA 2017 – New subsection (10) inserted after subsection (9) w.e.f 24 July 2017.

729 FA 2015 – New section 131AA inserted after section 131A shall come into operation on 1 July 2015.

730 Covid M A 2020- Section 131AA(1) amended,by deleting the words "section 93, 111K or 123B(5)"and replacing them by the words "section 93, 111K, 111Z(5) or 123B(5)" – shall be deemed to have come into operation on 23 March 2020.

731 Covid M A 2020 – section 131AA(3) repealed and replaced – shall be deemed to have come into operation on 23 March 2020.

*Previously was:*

*Where a person who has made an objection under subsection (1), has not, for the relevant year, submitted the Return of Employees or statement, as the case may be, he shall, within 28 days of the date of the claim, submit the Return of Employees or statement, as the case may be.*

732 Covid M A 2020- section 131AA(7) amended,the words "the penalty"deleted and replaced by the words "the levy and penalty"- shall be deemed to have come into operation on 23 March 2020.

733 FA 2015 – Section 131B amended, new subsections (8A) and 10 inserted after subsection (8) shall come into operation on 1 July 2015.

Section 131B added by FA 1997.

734 FA 2006 –Section 131B(5) amended by deleting the words "any penalty under section 133" and replacing them by the words "any interest under section 122D" shall come into operation on 1 July

2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.
*Where a notice of determination under subsection (2) or (4) is given, the tax specified in the notice of determination together with any penalty under section 133*[(1)] *shall be paid within 28 days of the date of the notice of determination.*

[(1)] The words "notice of determination together with any penalty under section 133" replaced "notice of assessment" by FA 2001. Effective as from income year 2001-02.

735 FA 2023 – Section (131B)(6) amended, by deleting the word "Repo" and replacing it by the word "Key", shall be deemed to have come into operation on 16 January 2023.

FA 2013 – Section 131B(6) amended the words "bank rate" deleted and replaced by the words "Repo rate determined by the Bank of Mauritius" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

New subsection (6) inserted by FA 2002. Effective as from 1.1.2003.

736 Previous subsections (6), (7) & (8) renumbered (7), (8) & (9) respectively by FA 2002

737 FA 2006 –Section 131B(7) repealed and replaced w.e.f 07.08.06.
*A notice of determination under subsection (2) or (4) in respect of an assessment made on or after 1 July 1997, shall be given to the person within 6 months of the date on which the objection is lodged.*

738 Covid M A 2020 – Section 131B amended, subsection (8A)(a) amended, the words "penalty charged under section 93,111K or 123B (3) deleted and replaced by the words "levy or penalty charged under section 93,111K, 111Z (5) or 123B (3) – shall be deemed to have come into operation on 23 March 2020.

739 MRA Act 2004- Subsection (9) deleted and replaced.
*Any person who is aggrieved by a determination under this section may lodge written representations with the Secretary, Assessment Review Committee in accordance with section 8E of the Unified Revenue Act 1983*

The words "may lodge written representations with the Secretary, Assessment Review Committee in accordance with section 8E of the Unified Revenue Act 1983" replaced "may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984" by FA 2001.

740 FA 2015 – Section 131B amended, new subsections (8A) and 10 inserted after subsection (8) shall come into operation on 1 July 2015.

741 FA 2010 – Section 131C(1) amended by deleting the words "by letter sent to the Director-General by registered post specifying in his letter of objection the detailed grounds of objection" and replacing them by the words "in a form approved by the Director-General specifying the detailed grounds of objection and sent to the Director-General by registered post" w.e.f. 24.12.2010.

Section 131C added by FA 2003. Effective as from 1 July 2003.

742 FA 2012 – Sections 131A(5) and 131C(2) amended, the word "unit" deleted and replaced by the word "directorate" w.e.f. 22 December 2012.

743 FA 2018 – Section 132 ) repealed and replaced w.e.f 9 August 2018.

Proclamation No. 10 of 2016 – The amendment made shall come into operation on 1 June 2016.
FA 2015 – Section 132(2) amended, the figure "4" deleted and replaced by the figure "3" shall come into operation on a date to be fixed by Proclamation.

***132. Time limit to amend assessments***

*(1) Subject to subsection (2), the Director-General may amend an assessment made under section 129, 129A or 131.*

*(2) An assessment shall not be amended after 3 years of assessment from the year of assessment to which the assessment relates.*

FA 2012 – Sections 122(1), 122D(1) and 132(1) amended , the words ", 129A" inserted after the figure "129" w.e.f. 22 December 2012.

744 FA 2006 –Section 133 repealed, shall come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

***133. Penalty for non-payment of income tax assessed***

*(1) Subject to subsection (2), where a person fails to pay any income tax payable on or before the last day on which it is payable under section 129 or 131,*[(1)] *he shall be liable to pay to the Commissioner, in addition to the tax, a penalty representing 2 per cent of the amount of tax, excluding any penalty imposed under this section and under section 109, 110, 111 or 121*[(2)]*, for each month or part of the month during which the tax remains unpaid.*

*(2) The penalty under this section and section 122 shall not, in the aggregate, exceed the amount of income tax, excluding any penalty imposed under this Act, remaining unpaid under section 129 or 131.*[(3)]

(1) The words "section 129 or 131" replaced "section 129, 131, 131A, 131B or 149" by FA 2001. Effective as from income year 2001-02. Previously FA 1997 - "section 129, 131, 131A, 131B or 149" replaced "section 129 or 131".

(2) The words "and under section109, 110, 111 or 121" inserted by FA 2002. Effective as from 1.7.2002.

(3) Subsection (2) amended by FA 2002. Effective as from 1.7.2002. Previously ITA 1995 as amended -

*(2) The penalty under this section shall not, in the aggregate, exceed the amount of income tax remaining unpaid under* ***section 129 or 131***[(i)]

(i) The words "section 129 or 131" replaced "section 129, 131, 131A, 131B or 149" by FA 2001. Effective as from income year 2001-02. Previously FA 1997 - "section 129, 131, 131A, 131B or 149" replaced "section 129 or 131".

745 MRA Act 2004. Section 134 repealed and replaced

***Representations to Assessment Review Committee***

Any person who is aggrieved by a decision, or determination, under sections 98, 114(2), 123(4), 127(2), 131A, 131B and 131C[(1)] may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983.

Section 134 repealed and replaced by FA 2001.

**Representations to Assessment Review Committee**

*Any person who is aggrieved by a decision, or determination, under sections 98, 114(2), 123(4), 127(2), 131A, 131B and 131C may lodge written representations with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act 1983.*

Previously ITA 1995 as amended -

**134. Appeals**

(1) Any person who is aggrieved by a decision, or determination, **under sections 20, 59, 98, 114(2), 123(4), 127(2), 131A and 131B** may appeal to the Tribunal in accordance with the Tax Appeal Tribunal Act 1984.

(2) Where on the determination of an appeal, the Tribunal orders a taxpayer to pay interest on the amount of tax payable, that interest shall be deemed to be income tax and shall be recoverable as such.

(i) The words "under sections 20, 59, 98, 114(2), 123(4), 127(2), 131A and 131B" replaced "or an assessment, under sections 20, 59, 98, 114(3), 123(5), 127(3), **131A and 131B**[(ii)]" by FA 1999. Effective as from 1.7.99.

(ii) The words "131A and 131B" replaced "129(3) and 131(3)" by FA 1997

(1) The words "Sections 20,59,98,114(2),123(4),127(2),131A and 131B" replaced by "sections 98, 114(2), 123(4), 127(2), 131A, 131B and 131C" by FA 2003. Effective as from 1 July 2003.

The words "on objection to assessments under section 131A or" inserted by FA 1999.
The words “on the hearing of representations” replaced “on appeal” by FA 2001. The words “Sections 20,59,98,114(2),123(4),127(2),131A and 131B” replaced by “sections 98, 114(2), 123(4), 127(2), 131A, 131B and 131C” by FA 2003. Effective as from 1 July 2003.
The words "on objection to assessments under section 131A or" inserted by FA 1999.
The words “on the hearing of representations” replaced “on appeal” by FA 2001.

746 FA 2015 – Section 134 amended , the words “93, 98, 111K,” deleted and replaced by the figure “98” shall come into operation on 1 July 2015.

FA 2011 – Section 134 amended the words “83, 98” deleted and replaced by the words “83, 93, 98, 111K,” - w.e.f. 15 December 2011.
FA 2007 - Section 134 amended by deleting the words “sections 98” and replacing them by the words “sections 83, 98” w.e.f 22.08.07.

747 FA 2023 – Section (134) amended, by deleting the words “127(2),” and replacing them by the words “127(3), w.e.f 20 July 2023.

FA 2016 - Section 134 amended, the words “, 131AA(6)(b)” inserted after the words “131A” w.e.f 7 September 2016.

748 FA 2018 – Section 136 repealed and replaced w.e.f 9 August 2018.

***136. Application of Part XI***
*This Part shall apply to any tax which has remained unpaid under this Act.*

FA 2007 - Section 136 repealed and replaced w.e.f 22.08.07.

*This Part shall apply to any tax which has not been paid in accordance with section 100, 101, 106, 109, 110, 111,111C, 111F, 111M [1] , 112, 113, 115, 116, 117, 121, 122, 122B [2], 129, 131, 131A, 131B [3],133, 149 or [4] a decision of the Assessment Review Committee.*
[1]FA 2006 –Section 136 amended by inserting immediately after the figure “111”, the words “111C, 111F, 111M w.e.f 01.07.06.

The figure “122B” inserted by FA 2002. Effective as from year of assessment 2002-03.
[2] The figures “131A, 131B” inserted by FA 1997.
[3] The words “133, 149 or a determination of the Tribunal under section 6 of the Tax Appeal Tribunal Act 1984” replaced “133 or 149” by FA 2000. See footnote (4)
[4] The words “a decision of the Assessment Review Committee” replaced “a determination of the Tribunal under section 6 of the Tax Appeal Tribunal Act 1984” by FA 2001.

749 FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***137. Recovery of tax in arrears from emoluments***

*(1) The Director-General may, for the purpose of securing and enforcing payment of income tax in arrears payable by an employee, issue a notice to the employer requiring him to make deductions from the emoluments of that employee on account of income tax payable by him.*

*(2) The deductions shall be made at such times and in such amount as the Director-General may specify in the notice.*

*(3) The aggregate of the amount of tax deducted under this section and tax withheld under Sub-Part A of Part VIII shall not, except at the employee's request, exceed one third of his emoluments.*

*(4) An employer to whom a notice under subsection (1) has been issued shall pay the tax deducted under this section to the Director-General within 20 days from the end of the month in which the tax was deducted.*

*(5) The provisions of sections 100, 101, 102, 103 and 104 shall apply to this section and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this section.*

[750] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***138. Recovery of tax by attachment***

*The Director-General may, without prejudice to any other remedy which he may have, enforce payment of any tax under this Act by attachment in the same manner as is provided in the Attachment (Rates and Taxes) Act.*

[751] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***139. Recovery of tax by distress and sale***

*(1) The Director-General may issue a warrant in a form specified in Part I of the Eighth Schedule to an usher of the Supreme Court to recover income tax by distress and sale of the goods, chattels and effects of the person charged or of the person answerable for its payment.*

*(2) Three days' notice of such sale shall be given in the Gazette.*

[752] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***140. Contrainte***

*(1) Where any income tax is due under this Act, the Director-General may apply to a Judge in Chambers for an order (Contrainte) to issue against the debtor.*

*(2) Any order issued under subsection (1) shall -*

*(a) be served on the debtor; and*

*(b) be executory.*

*(3) Any debtor aggrieved by an order issued under subsection (1) may within 10 days of the service of the order appeal to the Supreme Court.*

*(4) No costs shall be awarded against an unsuccessful party except disbursement for -*

*(a) stamp duty under the Stamp Duty Act 1990;*

*(b) service of the order; and*

*(c) execution of the order.*

[753] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

Section 140A added by FA 2002

***140A. Proceedings for temporary closing down of business***

*(1) Where a person fails to pay any amount of income tax assessed under this Act, the Director-General may notify the person in writing of his intention to close down part or the whole of the business of that person for a temporary period not exceeding 14 days, unless the person, within a period of 7 days of the date of the notice -*

*(a) pays the amount of income tax unpaid; or*

*(b) gives security to the satisfaction of the Director-General for payment of the amount of the income tax unpaid.*

*(2) (a) Where the person fails to comply with the notice issued under subsection (1), the Director-General may, with the concurrence of the Revenue Authority established under the Unified Revenue Act, make an application under oath, in such form as may be prescribed, to a District Magistrate for an order to close down part or the whole of the business of that person for a period not exceeding 14 days.*

*(b) Where an application under oath is made to a Magistrate in the manner specified in paragraph (a), the Magistrate may forthwith grant the application.*

*(c) Upon granting an application under paragraph (b), the Magistrate shall issue an order to an Usher, in such form as may be prescribed, to close down the business of the person in*

*(3) Where an Usher executes an order under subsection (2), he shall affix in a conspicuous place on the front of the premises of the business or part of the business which has been closed, a notice duly certified by the Director-General bearing the words "CLOSED TEMPORARILY FOR NOT PAYING INCOME TAX".*

*(4) Where an order under subsection (2) has been executed and the person -*

*(a) effects payment of the amount of income tax unpaid; or*

*(b) gives security to the satisfaction of the Director-General for payment of the amount of the income tax unpaid,*

*the order shall lapse and the Director-General shall, in writing, notify the person accordingly.*

*(5) Any person who, contrary to the order, carries on the business or part of the business concerned or who commits any act in breach of the order under this section, shall commit an offence.*

[754] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***141. Privilege***

*(1) The Government shall have, in respect of any income tax due and so long as the income tax is not paid in full, a privilege on all immovable properties belonging to the person by whom the income tax is payable.*

*(2) Where the Director-General thinks it necessary for securing the recovery of any income tax due to inscribe the privilege provided for under subsection (1), he shall deposit with the Conservator of Mortgages 2 identical memoranda in the form specified in Part II of the Eighth Schedule and shall forthwith notify the person by whom the income tax is payable of the deposit of the memoranda.*

*(3) The Conservator of Mortgages shall, upon deposit of the memoranda, inscribe the privilege generally on all immovable properties belonging, or which may subsequently belong, to the person by whom the income tax is payable, and shall return one of the memoranda to the Director-General with a statement written or stamped on it to the effect that the privilege has been duly inscribed.*

*(4) Where a privilege is inscribed under this section, it shall take effect from the date of the inscription.*

*(5) (a) Where any income tax in respect of which an inscription has been taken under this section is paid in full or the tax liability is discharged, the Director-General shall forthwith send to the Conservator of Mortgages a request in the form specified in Part III of the Eighth Schedule to erase the inscription.*

*(b) The Director-General may send a request to the Conservator of Mortgages to erase the inscription in respect of any property belonging to the person by whom income tax is payable where the Director-General is satisfied that the value of the other properties of the person is sufficient to secure payment of the amount which has remained unpaid.*

*(6) (a) The inscription of a privilege under this section shall be erased by the Conservator of Mortgages at the request of the Director-General.*

*(b) Where an inscription of privilege is erased pursuant to paragraph (a), the Director-General shall, within 5 working days of the date of the notification of the erasure by the Conservator of Mortgages, give written notice of that fact to the person who owed the income tax.*

*(7) Any inscription or erasure which is required to be taken or made under this section shall be free from stamp duty under the Stamp Duty Act 1990 or registration dues leviable under the Registration Duty Act or any other costs.*

[755] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***142. Uninscribed privilege***

*(1) Notwithstanding section 141, but subject to subsection (2), the privilege for the recovery of direct taxes under Articles 2148 and 2152 of the Code Napoleon shall operate on account of income tax payable under this Act independently of and without the necessity for inscription, upon -*

*(a) personal property wherever found;*

*(b) the proceeds of the sale of immovable property; and*

*(c) the crops, fruits, rents and revenues,*

*belonging to the person owing the tax.*

*(2) The privilege conferred under subsection (1) shall operate only in respect of tax payable in any one year of assessment, at the discretion of the Director-General, and shall rank immediately after the privilege for judicial costs.*

[756] * FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***143. Security***

*(1) The Director-General may, for the purposes of securing payment of any income tax due, order a person to furnish security in such manner and in such amount as the Director-General thinks fit.*

*(2) Any person who fails to comply with an order under subsection (1) shall commit an offence.*

[757] FA 2018 – Sections 137 to 144 repealed w.e.f 9 August 2018.

***144. No limitation of action for recovery of tax***

*No law relating to the limitation of action shall bar or affect any action or remedy for recovery of income tax.*

[758] The Busines Facilitation (Miscellaneous Provisions) Act 2017 – Section 144A (***COLLECTION AND RECOVERY OF SOCIAL CHARGES)*** shall come into operation on 1 January 2018 by Proclamation No. 41 of 2017.

MRA Act 2004 – Part XI A Deleted.
Part XIA repealed and replaced by FA 2001.

***PART XIA - COMMISSIONER, LARGE TAXPAYER DEPARTMENT***
***144A. Interpretation of Part XIA***

*In this Part -*

*"Commissioner, Large Taxpayer Department," means the Commissioner, Large Taxpayer Department, referred to in section 8B of the Unified Revenue Act 1983;*

*"large taxpayer" has the same meaning as in section 8B of the Unified Revenue Act 1983.*

***144B. Administration of Income Tax enactments by Commissioner, Large Taxpayer Department***

*(1) Notwithstanding the other provisions of this Act or any regulations made thereunder, the Commissioner, Large Taxpayer Department, shall administer the Income Tax enactments in so far as they relate to large taxpayers.*

*(2) Where, according to the records of the Commissioner of Income Tax, a person qualifies as a large taxpayer -*

*(a) the Commissioner of Income Tax shall -*

*(i) transfer all accounts, returns, assessments and other documents in respect of that person, to the Commissioner, Large Taxpayer Department; and*

*(ii) as from the date of transfer under subparagraph (i), cease to administer income tax in relation to that person; and*

*(b) the Commissioner, Large Taxpayer Department shall, as from the date of the transfer, administer income tax in respect of that person.*

Previously FA 1999 - effective as from 1.12.1999 (Proclamation No. 19 of 1999) -
**PART XIA - COMMISSIONER OF INLAND REVENUE**
**144A. Payment of tax under PAYE**

(1) Notwithstanding sections 100 and 101 and regulations 22(5) and (6) of the Income Tax Regulations 1996, where in respect of a month, an employer submits a single return for both PAYE and VAT **or a return for VAT or PAYE**[(i)] to the Commissioner of Inland Revenue under section 8B of the Unified Revenue Act 1983 and pay tax, if any, in accordance with that section, he shall be deemed to have submitted and paid tax, if any, to the Commissioner under this Act for that month.

(2) For the purposes of this section, "**VAT**" has the same meaning as in the Value Added Tax Act 1998.

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

Without prejudice to section 127(2) of this Act and to sections 7A and 8 of the Unified Revenue Act 1983, where, in respect of a period, the Commissioner of Inland Revenue is satisfied that a person has complied with the requirements of any of the provisions of section 8C of the Unified Revenue

Act 1983, that person shall be deemed to have complied with the requirements under section 123, 124, 125 or 126 of this Act, as the case may be, for that period.

(i) The words "or a return for VAT or PAYE" inserted by FA 2000.

759 MRA Act 2004 – Paragraph (aa) added.

760 FA 2016 - Section 145 amended, the figure "50,000" and the words "6 months" deleted and replaced by the words "one million" and "8 years", respectively, shall come into operation on 1 January 2017.

761 FA 2006 –Section 146A added w.e.f 07.08.06.

762 FA 2016 - Section 146A amended, the figure "50,000" and "2" deleted and replaced by the words "one million" and the figure "8", respectively, shall come into operation on 1 January 2017.

763 FA 2018 – New section 146B inserted shall come into operation on 1 September 2018.

764 FA 2019 –New Section 146C inserted –w.e.f 25 July 2019.

765 FA 2009 – Section 147(2) amended, the words "be equivalent to" deleted and replaced by the words "not exceed" w.e.f. 30 July 2009.

766 MRA Act 2004 - Paragraph (aa) added.

767 FA 2017 – New paragraph (ea) inserted after paragraph (e) w.e.f 24 July 2017.

768 MRA Act 2004 – Section 148A deleted.

Section 148A added by FA 1998.

***148A Prosecution by Commissioner***

*(1) The Commissioner may institute criminal proceedings against any person for failure to submit a return under section 112, 113, 116, 119 or 120.*

*(2) In any proceedings under this section, a certificate in writing signed by the Commissioner certifying that the return so required has not been received from the person shall, in the absence of proof to the contrary, be evidence of the fact stated therein.*

769 MRA Act 2004 – Subsection (1) deleted and replaced.

(1) *The Commissioner may, with the concurrence of the Revenue Authority established under the Unified Revenue Act 1983(2), compound any offence committed by a person under this Act, where such person agrees in writing to pay such amount acceptable to the Commissioner representing -*

*(a) any income tax unpaid; and*

*(b) an amount not exceeding the maximum pecuniary penalty imposable under this Act for such offence.*

770 FA 2012 – Section 149(1)(a) amended , the words ", with the consent of the Director of Public Prosecutions," inserted after the word "may" - w.e.f. 22 December 2012.

771 FA 2017 – New PART XIIA inserted after PART XII shall come into operation on a date to be fixed by Proclamation.

[772] FA 2018 – Subsections (1), (2) and (3) repealed and replaced, in so far as it relates to subsections (1) and (2) shall be deemed to have come into operation on 1 July 2017 and in so far as it relates to subsection (3) shall be deemed to have come into operation on 1 January 2018.

*(1) Subject to this section, the Director-General shall pay to every individual who derives earnings of 9,900 rupees or less in a month, a Negative Income Tax allowance as specified in the Eleventh Schedule.*

*(2) No allowance under this Part shall be payable unless –*

*(a) the individual is a citizen of Mauritius;*

*(b) the individual is in full-time employment, working for a minimum of 30 hours in a week over at least 5 days;*

*(c) the individual has been in continuous employment for a period of 6 months prior to the month in respect of which the allowance under subsection (1) is payable;*

*(d) the aggregate net income of the individual and that of his spouse, including any dividend and interest, in the current year did not exceed 390,000 rupees; (b)*

*(e) the individual and the person by whom he is employed, are both fully compliant with their contributions to the National Pensions Fund and the National Savings Fund.*

*(3) An individual who meets the requirements of subsections (1) and (2) shall be paid the Negative Income Tax allowance where he has submitted an application in such form and manner as the Director-General may determine.*

[773] FA 2018 –New subsection subsection (3A) inserted after subsection (3) w.e.f 9 August 2018.

[774] FA 2018 – Subsection (6) repealed and replaced shall be deemed to have come into operation on 1 July 2017.

*(6) In this Part –*

*earnings –*

*(a) means all salary, wages, overtime pay, leave pay, and other allowances in money or money's worth, other than travelling and end-of-year bonus derived from employment; and*

*(b) includes any annuity, pension and basic retirement pension.*

[775] Covid M A 2020 – The following new part XIIB inserted after Part XIIA – shall be deemed to have come into operation on 23 March 2020, except for Section 150B(12) which will come into operation on 16 May 2020.

[776] FA 2021- Subsection (1) amended, the following new definition inserted in the appropriate alphabetical order- shall be deemed to have into operation on 1 March 2021.

[777] FA 2022 – subsection (8) amended, by deleting the words "National Minimum Wage" and replacing them by the words "national minimum wage", w.e.f 02 August 2022.

[778] FA 2021- Subsection (10) (a) amended, the word "Where" deleted and replaced by the words "Subject to paragraph (aa), where "- shall de deemed to have come into operation on 1 March 2021.

[779] FA 2021- Subsection (10) amended, new paragraph (aa) inserted after paragraph (a) –shall be deemed to have come into operation on 1 March 2021.

780 Covid M A 2020 – The following new part XIIC– shall be deemed to have come into operation on 23 March 2020, except for Section 150C(9) which will come into operation on 16 May 2020.

781 FA 2021- Subsection (3) amended, new paragraph (ea) inserted after paragraph (e) and the word "or "at the end of paragraph (e ) deleted – shall be deemed to have come into operation on 1 July 2021.

782 FA 2021 –Section 150C amended, new subsection (3A) inserted after subsection(3) – shall be deemed to have come into operation on 1 July 2021.

783 FA 2024 – heading of Part XIID amended, by deleting the words "COMPENSATION 2021, 2022 AND 2023" and replacing them by the words "COMPENSATION 2021, 2022, 2023 AND 2024", w.e.f 27 July 2024.

FA 2023 – heading of Part XIID amended, by deleting the words "COMPENSATION 2021 AND 2022" and replacing them by the words "COMPENSATION 2021, 2022 AND 2023", w.e.f 20 July 2023.

FA 2022 – heading of Part XIID being amended, by deleting the words "COMPENSATION 2021" and replacing them by the words "COMPENSATION 2021 AND 2022", w.e.f 02 August 2022.

FA 2021- New Part XIID inserted after Part XIIC –shall be deemed to have come into operation on 1 January 2021.

784 FA 2022 – subsection (2) repealed and replaced, w.e.f 02 August 2022.

Previously:

*(2) Subject to this Part, the Director-General shall, in respect of every eligible employee, pay to his employer an allowance equivalent to –*

*(a) 235 rupees where the employer is an export enterprise; or*

*(b) 375 rupees in any other case,*

*for each month beginning January 2021 and ending June 2022.*

785 FA 2022 – new section 150E inserted, w.e.f 02 August 2022.

786 FA 2023 – New Section (150EA) inserted, w.e.f 20 July 2023.

787 FA 2024 – In subsection 1 of Section 150EA amended by inserting new definition of "apparel industry", w.e.f 27 July 2024.

788 FA2024 - In subsection 1 of Section 150EA amended by inserting new definition of "textile industry", w.e.f 27 July 2024.

789 FA 2024 – New Subsection 2A inserted after Subsection 2, w.e.f 27 July 2024.

790 FA 2024 – New Subsection 2B inserted after Subsection 2A, w.e.f 27 July 2024.

791 FA 2024 – New Subsection 2C inserted after Subsection 2B, w.e.f 27 July 2024.

792 FA 2024 – New Section (150EB) inserted, w.e.f 27 July 2024.

793 FA 2022 – new Part XIIE inserted, w.e.f 02 August 2022.

794 FA 2022 – new section 150F inserted, w.e.f 02 August 2022.

795 FA2024 – Subsection 1 of Section 150F amended, by deleting the definition of "Covid-19 Solidarity Fund", w.e.f 27 July 2024.

*"COVID-19 Solidarity Fund" means the COVID-19 Solidarity Fund established under the Finance and Audit (COVID-19 Solidarity Fund) Regulations 2020;*

796 FA 2023 – Subsection (1) amended, by inserting new definition, w.e.f on 20 July 2023.

797 FA 2023 – Subsection (1) amended, by inserting new definition, w.e.f 20 July 2023.

798 FA 2024 – New subparagraph (iia) inserted after subparagraph (ii), w.e.f 27 July 2024.

799 FA2024 – Subparagraph (iii) amended, by deleting the words "is above the age" and replacing them by the words "subject to subparagraph (iiia), is above the age", w.e.f 27 July 2024.

800 FA2024 – New subparagraph (iiia) inserted after subparagraph (iii), w.e.f 27 July 2024.

801 FA2024 – Subparagraph (iv) amended, by deleting the words "one year" and replacing them by the words "3 months", shall be deemed to have come into operation on 17 November 2023.

802 FA 2024 – Subsection 1 amended, by inserting new definition, w.e.f 27 July 2024.

803 FA 2024 – Subsection (2)(aa) amended, by deleting the words "30 June 2024" and replacing them by the words "30 June 2025", w.e.f 27 July 2024.

FA 2023 – New Subsection (2)(aa) inserted, w.e.f 20 July 2023.

804 FA 2024 – New Subsection (2)(ab) inserted , shall be deemed to have come into operation on 17 November 2023.

805 FA 2023 – Subsection (2)(b) amended, by deleting the words "paragraph (a)" and replacing them by the words "paragraphs (a) and (aa)", w.e.f 20 July 2023.

806 FA 2023 – Subsection (3)(a) amended, by deleting the words "eligible employee" and replacing them by the words "eligible employee or qualifying employee", w.e.f 20 July 2023.

807 FA 2023 – Subsection (3)(c) amended, by deleting the words "eligible employee" and replacing them by the words "eligible employee or qualifying employee", w.e.f 20 July 2023.

808 FA2024 – Subparagraph (d)(iii) amended, by deleting the words "COVID-19 Solidarity Fund" and replacing them by the words "Solidarity Fund", w.e.f 27 July 2024.

809 FA2024 – Subsection (4)(aa) amended, by deleting the words "qualifying employee" and replacing them by the words "qualifying employee who is employed on a full-time basis", w.e.f 27 July 2024.

FA 2023 – New Subsection (4)(aa) inserted, w.e.f 20 July 2023.

810 FA 2024 – New paragraph (ab) inserted after paragraph (aa), w.e.f 27 July 2024.

811 FA 2023 – Subsection (4)(b) amended, by deleting the words "paragraph (a)" and replacing them by the words "paragraphs (a) and (aa)" , w.e.f 20 July 2023.

812 FA 2023 – Subsection (4)(c) amended, by deleting the words "eligible employee" and replacing them by the words "eligible employee or qualifying employee"; w.e.f 20 July 2023.

813 FA 2023 – New Subsection (5)(aa) inserted, w.e.f 20 July 2023.

814 FA 2024 – New paragraph 5(ab) inserted after paragraph 5(aa), w.e.f 27 July 2024.

815 FA 2023 – Subsection (5)(b) amended, the full stop at the end of paragraph (b) being deleted and replaced by the words "; and", w.e.f 20 July 2023.

816 FA 2023 – New Subsection (5)(c) inserted, w.e.f 20 July 2023.

817 FA 2024 – New paragraph (5)(d) inserted, w.e.f 27 July 2024.

818 FA 2023 – Subsection (6) amended, by deleting the words "eligible employee" and replacing them by the words "eligible employee or qualifying employee", w.e.f 20 July 2023.

819 FA2024 – Subsection (11)(a) amended, by deleting the words "COVID-19 Solidarity Fund" and replacing them by the words "Solidarity Fund", w.e.f 27 July 2024.

820 FA 2024 – Subsection (11)(b) amended, by deleting the words "COVID-19 Solidarity Fund" and replacing them by the words "Solidarity Fund", w.e.f 27 July 2024.

FA 2023 – Subsection (11)(b) amended, by deleting the words "eligible employee" and replacing them by the words "eligible employees or qualifying employees", w.e.f 20 July 2023.

821 FA 2023 – Subsection (12) amended, by deleting the words "an eligible employee" and "that eligible employee" and replacing them by the words "an eligible employee or a qualifying employee" and "that eligible employee or qualifying employee," respectively, w.e.f 20 July 2023.

822 FA 2023 – New Part XIIF inserted, w.e.f 20 July 2023.

823 FA 2024 – Subsection (3) amended, by deleting the words "June 2024" and replacing them by the words "June 2025", w.e.f 27 July 2024.

824 FA 2024 – Subsection (11) repealed and replaced, w.e.f 27 July 2024.

"*When an application is made by an individual under the Scheme, the Director-General may pay the allowance for 3 consecutive months immediately prior to the month in which the application is made."*

825 FA 2024 – Subsection (12) amended, by deleting the words "30 September 2024" and replacing them by the words "31 December 2025", w.e.f 27 July 2024.

826 FA 2018 – Section 151A (1) amended, the words "27A," inserted after the words "19," w.e.f 9 August 2018.

FA 2008 - Section 151A inserting w.e.f 19.07.08.

827 FA 2010 – Section 152 amended by repealing and replacing subsections (1) and (2) by subsections (1) and (2) and (2A)– w.e.f. 24.12.2010.

*(1) Where, in respect of an income year, an employee whose gross income consists exclusively of emoluments, has, under PAYE, suffered tax of an amount in excess of the income tax liability on his chargeable income, he may claim a refund of the tax so paid or suffered or of the excess amount, as the case may be, by submitting a return of income for that income year in accordance with section 112.*

Subsection (1) amended by FA 2001. Effective as from income year 2000-01. Previously ITA 1995 as amended -

*(1) Where, in respect of an income year -*

*(a) an individual whose tax liability on his chargeable income does not exceed 750 rupees has paid or suffered tax; or*

*(b) an employee whose gross income consists exclusively of emoluments, has under PAYE suffered tax of an amount in excess of the income tax liability on his chargeable income,*

*he may claim a refund of the tax so paid or suffered or of the excess amount, as the case may be, by submitting a return of income for that income year in accordance with section 112.*

828 FA 2023 – Subsection (1)(a) amended, by inserting, after the words "chargeable income", the words "or gross income"; and by deleting the words "section 112" and replacing them by the words "section 111V, 112", w.e.f 20 July 2023.

829 FA 2023 – Subsection (1)(b) amended, by deleting the words "section 112" and replacing them by the words "section 111V, 112", w.e.f 20 July 2023.

830 FA 2020 – Section 152 amended, subsection(2)repealed and replaced –shall come into operation on 1 September 2020.

*Previously was:*

*A refund under subsection (1) shall be made –*

*(a) in the case of an employee whose gross income consists exclusively of emoluments, within a period of 3 months of the due date for submission of the return or the date of receipt of the claim, whichever is the later;*

*(b) in any other case, within a period of 6 months of the due date for submission of the return or the date of receipt of the claim, whichever is the later.*

FA 2016 - Subsection (2)(a) and (b) amended, the words "date of the claim" deleted and replaced by the words "due date for submission of the return or the date of receipt of the claim, whichever is the later" w.e.f 7 September 2016.

FA 2010 – Section 152 amended by repealing and replacing subsections (1) and (2) by subsections (1) and (2) and (2A)– w.e.f. 24.12.2010.
Previously ITA 1995 -

831 FA 2023 – Section (2A) amended, by deleting the word "Repo" and replacing it by the word "Key", shall be deemed to have come into operation on 16 January 2023.

FA 2013 – Section 152(2A) amended the words "bank rate" deleted and replaced by the words "Repo rate determined by the Bank of Mauritius" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

*(2) (a) A refund under subsection (1) shall be made within 3 months of the date of submission of the return of income.*

*(b) Where the refund is made after 3 months from the date the return of income is submitted, the refund shall carry interest free of income tax at the prevailing Bank rate.*

832 Proclamation No. 10 of 2016 – The amendment made shall come into operation on 1 June 2016.
FA 2015 – Section 152(3) amended, the figure "4" deleted and replaced by the figure "3" shall come into operation on a date to be fixed by Proclamation.

833 FA 2016 - New subsections (4A) and (4B) inserted after subsection (4) w.e.f 7 September 2016.

834 FA 2007- Section 152A inserted w.e.f 22.08.07.

835 FA 2015 – Section 152A(3) amended, the word "one" deleted and replaced by the figure "0.5" w.e.f. 14 May 2015.

836 FA 2021 – Section 153(1) amended**,** the word "Every " deleted and replaced by the words "Subject to subsection (4), every " –w.e.f 05 August 2021.

FA 2010 – Section 153 amended by repealing and replacing subsection (1) – w.e.f. 24.12.2010.

*(1) Every person carrying on business or deriving income other than emoluments shall keep a full and true record, whether on computer or otherwise, in the English or French language, of all transactions and other acts engaged in by him that are relevant for the purpose of enabling his gross income and allowable deductions under this Act to be readily ascertained by the Director-General.*

Subsection (1) deleted and replaced by FA 2004. Effective as from 17 August 2004.

837 FA 2021- Section 153 amended, new subsection(4) added- w.e.f 05 August 2021.

838 The Financial Crimes Commission Act 2023, Section 154(2) amended, paragraph (f) repealed and replaced, w.e.f 29 March 2024 (by proclamation).

Previously was:

*(f) the Prevention of Corruption Act 2002;*

FA 2008 - section 154(2) amended by inserting after paragraph (c), the following paragraphs(d) and (e), the existing paragraphs (d) and (e) being relettered (f) and (g) respectively w.e.f 19.07.08.

Subsection (2) deleted and replaced by FA 2004. Effective as from 17 August 2004. Previously was -

(2) Except for the purpose of administering this Act or any other revenue law **or the National Pensions (Registration of Employers) Regulations 1977**[(i)], or where he is authorised to do so by the Minister, no officer shall communicate to any person any matter relating to this Act.

(i) The words "or the National Pensions (Registration of Employers) Regulations 1977" inserted by FA 2000.

839 FA 2022 – Section 154(2)(e) amended, by deleting the words "or (ac)" and replacing them by the words ", (ac) or (ad)", w.e.f 02 August 2022.

FA 2021- Section 154(2) amended, paragraph (e) repealed and replaced –w.e.f 05 August 2021.

*(e) notifying the Economic Development Board that a non-citizen –*

*(i) has not satisfied or is not satisfying the criteria referred to in items 1, 8 and 9 of Part I, and items 1 and 3 of Part II, of the First Schedule to the Economic Development Board Act 2017; or*

*(ii) no more satisfies the requirements of paragraph (a) of subsection (5AA) of section 5A of the Immigration Act;*

Economic Development Board Act 2017 – Section 154(2)(e) amended, by deleting the words "Board of Investment under the Investment Promotion Act" and replacing them by the words "Economic Development Board" and subparagraph (i) amended by deleting the words "items 1,2 and 3 of Part I and Part II of the Schedule to the Investment Promotion Act" and replacing them by the words "*items 1, 8 and 9 of Part I, and items 1 and 3 of Part II, of the First Schedule to the Economic Development Board Act 2017;* – w.e.f 07 August 2017.

840 The Financial Crimes Commission Act 2023, Section 154(2) amended, paragraph (f) repealed and replaced, w.e.f 29 March 2024 (by proclamation).

841 FA 2018 – Section 154 (2) amended new paragraph(h) added w.e.f 9 August 2018.

842 FA 2011 – Section 154(2A) amended, the words ", for the purposes of the Statistics Act," inserted after the word "shall" w.e.f. 15 December 2011.

Act No.20 of 2011 (THE ECONOMIC AND FINANCIAL MEASURES (MISCELLANEOUS PROVISIONS) ACT 2011 – Section 154 amended, by inserting, after subsection (2), the following new subsection (2A) – w.e.f 16 July 2011.

843 The Financial Crimes Commission Act 2023, Section 154(3) amended, by deleting the words "or in any proceedings instituted under the Prevention of Corruption Act" and replacing them by the words "or in any proceedings instituted under the Financial Crimes Commission Act 2023", w.e.f 29 March 2024 (by proclamation).

FA 2013 – Section 154(3) amended , the words "or in any proceedings instituted under the Prevention of Corruption Act" inserted after the words "Regulations 1977" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

The words "or the National Pensions (Registration of Employers) Regulations 1977" inserted by FA 2000

844 FA 2015 – Section 154 amended, new subsection(4A) inserted after subsection (4) w.e.f. 14 May 2015.

845 FA 2008 - Subsection (1) amended by deleting the words "sent by post to, or left at the office of the Director - General" and replacing them by the words "forwarded so as to reach the office of the Director-General not later than the due date" - w.e.f 19.07.08.

*(1) Any return, Statement of Income, payment or other document required or authorised to be served on or given or made to the Director-General shall be sent by* [1]*post to or left at the office of the Director-General.*

[1]The word "registered" deleted by FA 2004. Effective as from 17 August 2004.

846 FA 2008 - Subsection (2) repealed- w.e.f 19.07.08.

(2) *Where any return, Statement of Income, payment or other document is sent by post to the Director-General, the date of the postmark shall be deemed to be the date on which the return, Statement of Income, payment or other document has been served, given or made.*

Subsection (2) replaced by FA 2004. Effective as from 17 August 2004. Previously was

*(2) Any return, Statement of Income, payment or other document sent by registered post to the Commissioner under subsection (1) shall be post free and the date of the postmark shall be deemed to be the date on which the return, Statement of Income, payment or other document has been served, given or made.*

847 FA 2013 – Section 155(3)(c) amended the words "through computer or" deleted and replaced by the words "or through any"- shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

FA 2008 – Subsection (3) amended by inserting after paragraph (b), the following paragraph, the word "or" at the end of paragraph (a) being deleted and the full-stop at the end of paragraph (b) being deleted and replaced by the words"; or" - w.e.f 19.07.08.

848 FA 2019 – New Section 155A inserted –w.e.f 25 July 2019.

849 FA 2017 – New section 157 inserted after section 156 shall be deemed to have come into operation on 1 January 2015.

MRA Act 2004 – Section 157 deleted.

***157. Power to write off arrears of tax***

*Notwithstanding section 144, the Commissioner may, subject to the approval of the Revenue Authority established under the Unified Revenue Act 1983, write off any arrears of tax which, in his opinion, are required to be written off.*

850 FA 2021- Subsection (3) amended, the words "subsection (3A)" deleted and replaced by the words "subsection (3B) " –w.e.f 05 August 2021.

FA 2017 – Subsection (3) amended, the words "subject to subsection (3A)," inserted after the word "shall," w.e.f 24 July 2017.

851 FA 2021- Section 159 amended, new subsections (3A) and (3B) inserted after subsection (3), the existing subsection (3A) being renumbered as subsection (3C) - w.e.f 05 August 2021.

852 FA 2021- Section 159 amended, new subsections (3A) and (3B) inserted after subsection (3), the existing subsection (3A) being renumbered as subsection (3C) - w.e.f 05 August 2021.

853 FA 2021- Section 159 amended, the existing subsection (3A) being renumbered as subsection (3C) - w.e.f 05 August 2021.

FA 2017 –New subsection (3A) inserted after subsection (3) w.e.f 24 July 2017.

854 Section 159A added by FA 2005.

855 Existing provisions numbered (1) by FA 2003.

856 Inserting in the new subsection (1) the words "subject to subsection (2)" just after the words "a Magistrate shall" by FA 2003.
FA 2006 – section 160(2) amended by deleting the words "the enactments" and replacing them by the words "this Act";

857 MRA Act 2004 – Subsection (2) added and existing provision being renumbered (1).

(2) *The prosecution of an offence under any of the sections of the enactments specified in the Fourth Schedule to the Mauritius Revenue Authority Act 2004 shall take place, at the discretion of the Director of Public Prosecutions, before a Judge sitting without a jury, the Intermediate Court or a District Court.*
[URA Act 17 of 2003 (not proclaimed read as this)]
*The prosecution for an offence under the sections of the Act specified in the Fifth Schedule to the Unified Revenue Act shall take place, at the sole discretion of the Director of Public Prosecutions, before the Revenue Division of the Supreme Court, the Intermediate Court, or the District Court.*

Adding after the new subsection (1) the new subsection numbered (2) by FA 2003.

858 FA 2009 – Section 161(1)(b) amended, the words "Part I, Part II, and Part III of " deleted w.e.f. 30 July 2009.

The words "PART I, PART II and PART III" replaced "PART I, PART II, PART III and PART IV" by FA 2000. Effective as from year of assessment 2001-02.

859 Section 161A added by FA 2000.
**The amendments (2), (3), (5), (7) and (8) were made by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001 -**

860 FA 2007 – Subsection (1) and their heading repealed w.e.f. 22.08.07.
***Taxation of qualified corporations***

*(1) (a) Subject to paragraph (c), a qualified corporation may, at any time, by irrevocable notice in writing given simultaneously to the Director-General, and to the Commission or the Bank of Mauritius, as the case may be [3], elect to be governed by this Act.*

*Where a qualified corporation [4] [5] has made an election under paragraph (a), it shall be liable to income tax in the same manner as a tax incentive company in respect of its income as from the income year in which the notice is given.*

*Subject to paragraphs (d) and (e), where a qualified corporation[(7)] has not made an election under paragraph (a) it shall, notwithstanding section 162(1) of this Act, be governed by the Income Tax Act 1974 in relation to-*

*(i) the ascertainment of its chargeable income;*

*(ii) the rate at which income tax is calculated;*

*(iii) the exemption from income tax of interest and of any dividends paid out of its income; and*

*(iv) the submission of its annual return of income.*

*(d) Where a qualified corporation[6] which is a société does not elect to be governed by this Act, the société may, by notice in writing given simultaneously to the Director-General and to the Commission [7], opt not to be liable to income tax.*

*(e) Where a société has exercised an option under paragraph (d), every associate of the société shall be liable to income tax in respect of his share of income in that société at the rate specified in paragraph 6 of the First Schedule to the Income Tax Act 1974.*

Section 161A added by FA 2000.

**The amendments (2), (3), (5), (7) and (8) were made by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001 -**

Previous paragraph (a) - FA 2000 -

(a) Subject to paragraph (c), an offshore corporation may, at any time, by irrevocable notice in writing given simultaneously to the Commissioner and to the Authority or, where the offshore corporation is a bank, to the Bank of Mauritius, elect to be governed by this Act.

[3] The words "Commissioner and to the Commission or the Bank of Mauritius, as the case may be" replaced "Commissioner and to the Commission" by Banking Act 2004. Effective as from 10 November 2004 - Proclamation No. 39 of 2004.

[4] The words "a qualified corporation other than a trust under the Offshore Trusts Act 1992" replaced "an offshore corporation"

[5] The words "other than a trust under the Offshore Trusts Act 1992" deleted by Banking Act 2004. Effective as from 10 November 2004 - Proclamation No. 39 of 2004.

[6] The words "a qualified corporation" replaced by "an offshore corporation".

[7] The words "Commission" replaced "Authority"

*(f) A company holding a management licence shall- [1]*

*(i) notwithstanding this Act, be governed by the Income Tax Act 1974 in respect of its income prior to 1 July 1998; and*

*(ii) be liable to income tax in the same manner as a tax incentive company in respect of its income as from 1 July 1998.*

*(g) [2] "Commission" means the Commission established under the Financial Services Act 2007;*

*"company holding a management licence" means a company holding a management licence under the Financial Services Act 2007;*

*"qualified corporation" [3] means –*

*(a) a corporation holding a Category 1 Global Business Licence under the Financial Services Act 2007, or*

*(b) a bank holding a banking licence under the Banking Act 2004 so far as its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act 2007 are concerned,*

*and having been in operation before 1 July 1998.*

*(h) Where a qualified corporation [4] does not make an election under paragraph (a) by 30 June 2002, the qualified corporation [5] shall be deemed to be liable to income tax in the same manner as a tax incentive company in respect of its income for the year of assessment commencing on 1 July 2003 and for every subsequent year of assessment.*

[1] The words "A company holding a management licence shall" replaced "An offshore management company shall"

[2] Previous paragraph (g) - FA 2000 -

(g) For the purposes of this subsection-

"**Authority**" has the same meaning as in the Mauritius Offshore Business Activities Act 1992;

"**offshore corporation**" means a corporation holding a certificate issued under, or an offshore trust as defined in, the Mauritius Offshore Business Activities Act 1992, or a corporation holding an Offshore Banking Licence issued under the Banking Act 1988, and having been in operation before 1 July 1998;
"**offshore management company**" means a company holding an offshore companies management licence under section 23, or a company holding an offshore certificate under section 16, of the Mauritius Offshore Business Activities Act 1992, and providing management services to offshore companies or international companies or acting as corporate trustee.

3 Paragraph (g) amended by Banking Act 2004. New definition for "qualified Corporation". Effective date 10 November 2004. Proclamation No. 39 of 2004. Previously -
**"qualified corporation"** means a corporation holding a Category Global Business Licence under the Financial Services Development Act 2001 or a trust under the Offshore Trusts Act 1992 or a bank holding a c**ategory 2 Banking Licence**[(i)] under the Banking Act 1988, and having been in operation before 1 July 1998.
(i) The words "Category 2 Banking Licence" replaced "Class B Banking Licence" FA 2002.

4 he words "Where a qualified Corporation [other than a trust under the Offshore Trusts Act 1992]"[(ii)] replaced "Where an Offshore Corporation".

5 The words "the qualified corporation [**other than a trust under the Offshore Trusts Act 1992***]*[(ii)]" replaced "the offshore corporation"

(ii) The words "other than a trust under the Offshore Trusts Act 1992" deleted by Banking Act 2004. Effective as from 10 November 2004 – Proclamation No. 39 of 2004.

861 FA 2007 – Subsection (2) and its heading repealed w.e.f. 22.08.07.
***Tax credits for companies***

*(2) (a) Notwithstanding this Act, relief in respect of investments made in certain companies under section 34A of the Income Tax Act 1974, or in respect of capital expenditure incurred under section 54J of the Income Tax Act 1974, prior to 1 July 1995 shall continue to be allowed as tax credits.*

*(b) Any tax credit allowable under sections 69 and 70 shall, in respect of investments made or capital expenditure incurred, prior to 1 July 1995, not be taken into account for the purposes of calculating the limitation to tax credits under section 72.*

*(c)* [861] *Tax credit in respect of any amount paid prior to 1 July 2004 as subscription in the share capital of a company which is a tax incentive company shall continue to be allowed, provided that the requirements of section 69 are satisfied.*

862 FA 2006 – Subsection (2A), (2B), (2C) and (2D) added .

863 Economic Development Board Act 2017- Section 161A(2C) amended, the words "Investment Promotion Act" deleted and replaced by the words "Economic Development Board Act 2017" – w.e.f 07 August 2017.

864 FA 2007 – Subsection (2D) repealed w.e.f. 22.08.07.
*(2D) Notwithstanding the repeal of sections 71 and 72, the provisions of those sections and regulation 21 of the Income Tax Regulations 1996 shall continue to apply to every company engaged in the export of goods which are manufactured or produced in Mauritius or in the provision of services to a non-resident.*

865 FA 2007 – Subsection (3) and its heading repealed w.e.f. 22.08.07.
***Investment tax credits for individuals***
*(3) Notwithstanding this Act, relief in respect of investments made in certain companies under section 34A of the Income Tax Act 1974 prior to 1 July 1996 shall continue to be allowed as investment tax credit.*

866 FA 2007 – Subsection (4) and its heading repealed w.e.f. 22.08.07.
***Savings***
(4) *Notwithstanding section 162 and subject to the other provisions of this section, the Income Tax Act 1974 and the Income Tax (Collection, Recovery and Repayment) Act shall remain in force until the coming into operation of this Act.*

[867] FA 2007 – Subsection (5) and its heading repealed w.e.f. 22.08.07.

**Interest Relief**

(5) *Any credit facility obtained by way of bank overdraft prior to 1 July 2001 shall qualify as a loan until 30 June 2002 for the purposes of section 30, provided that the requirements of the provisions of that section are satisfied.*

Subsection (5) amended and subsection (6) deleted by FA 2001. Effective as from income year 2001-02. Previously FA 2000 -

(5) Section 30(2) and (3) shall apply in respect of loans raised on or after 1 June 1996.

(6) The provisions of section 30 prior to the coming into force of section 10(e) of the Finance Act 1999 shall continue to apply in respect of loans raised prior to 1 July 1999.

[868] FA 2007 – Subsection (6) repealed w.e.f. 22.08.07.

(6) *Section 30(2) and (3) shall not apply in respect of loans raised prior to 1 June 1996.*

New Subsections (6) and (6A) added by FA 2003. Deemed to have come into operation as from the income year commencing 01.07.2001.

[869] FA 2007 – Subsection (6A) repealed w.e.f. 22.08.07.

(6A) Subject to subsections (2), (3), (4) and (5) of section 30, any interest paid in respect of a loan raised during the period 1 June 1996 to 30 June 1999 and -

*(a) secured by mortgage or fixed charge on immovable property;*

*(b) raised on the security of an insurance policy on his life or on the life of his dependent spouse or on the life of his dependent children;*

*(c) raised on the security of a standing crop or the proceeds of a crop; or*

*(d) raised on the pledge of shares or debentures,*

*shall qualify as a deduction under that section.*

[870] FA 2007 – Subsection (7) repealed w.e.f. 22.08.07.

*(7) The amendments made-*

*(a) to item 3 of Part III of the Second Schedule to the Act by the Income Tax (Amendment of Schedule) Regulations 2000; and*

*(b) to regulation 3(2) of, and the First Schedule to, the Income Tax Regulations 1996 by the Income Tax (Amendment) Regulations 2000,*

*shall not apply to bonds and debentures, the prospectus in respect of which was issued prior to 31 March 2000.*

[871] FA 2006 – Subsection (7A), (7B), (7C) , (7D) and (7E), added .

[872] FA 2017 – **T**he words "the First Schedule" deleted and replaced by the words "Part I of the First Schedule" shall be deemed to have come into operation on 1 July 2017.

FA 2007 - Subsection (7C) amended, by deleting the words "the rate specified in Sub - Part C of Part II of the First Schedule" wherever they appear and replacing them by the words "the rate specified in the First Schedule" ) in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

[873] FA 2017 – **T**he words "the First Schedule" deleted and replaced by the words "Part I of the First Schedule" shall be deemed to have come into operation on 1 July 2017.

[874] FA 2023 - New Subsection (8) inserted, w.e.f 20 July 2023.

*FA 2007 – Subsection (8) and its heading repealed w.e.f. 22.08.07.*

***Contributions to superannuation fund***

*(8) (a) Where the terms of the instrument establishing a superannuation fund established prior to 27 February 1999 do not contain the provisions of regulation 5(2)(c)(xvii) and (xviii) of the Income Tax Regulations 1996, the employer shall, not later than 30 June 2001, apply to the Director-General under regulation 5(4) of those regulations to vary the terms of the instrument in order to incorporate therein those provisions.*

*(b) Where an employer-*

*(i) makes an application under subparagraph (a), the Director-General shall approve the variation with effect from the commencement date of the fund in respect of employees in the service of the employer as at 1 July 2000; or*

*(ii) fails to make an application under subparagraph (a), the Director-General shall direct the employer to include the provisions of regulation 5(2)(c)(xvii) and (xviii) of the Income Tax Regulations 1996 in the terms of the instrument of the fund with effect from the commencement date of the fund.*

*(c) Where a direction is issued under subparagraph (b)(ii), the provisions of regulation 5(2)(c)(xvii) and (xviii) of the Income Tax Regulations 1996 shall be deemed to have been included in the terms of the instrument of the fund with effect from the commencement date of the fund in respect of employees in the service of the employer as at 1 July 2000.*

875 FA 2007 – Subsection (9) and its heading repealed w.e.f. 22.08.07.

***Investment relief***

*(9) Relief in respect of any amount paid prior to 1 July 2004 as subscription in the share capital of a company which is a tax incentive company shall continue to be allowed provided that the requirements of section 36 are satisfied.*

Subsection (9) inserted by FA 2004. Effective as from 17 August 2004.

876 FA 2006 – Subsection (10), (11), (12), (13), (14), (15) and (16) added .

877 FA 2007 – Subsection (11) and its heading repealed w.e.f. 22.08.07.

**Tax rate of duty free shops licensed on or before 30 September 2006**

*(11) Notwithstanding this Act, a company operating a duty free shop at a place, other than at the port or airport, which has elected to operate under the Deferred Duty and Tax Scheme under the Customs Act shall pay income tax at the rate specified in Sub Part A of Part II of the First Schedule.*

878 FA 2008 - Subsection (12) repealed , shall be deemed to have come into operation on 1 July 2007.

*(12) Notwithstanding the repeal of items 13, 14 and 18 of Part II of the Second Schedule, the provisions of those items shall continue to apply to an expatriate employee or a specified Mauritian entitled to the exemption as at 30 June 2006.*

879 FA 2011 – Subsection (13) amended the words "or freeport operator" deleted in paragraphs (a), (b) and (c) - w.e.f. 15 December 2011.

FA 2010 – Subsection (13) amended, the words "30 June 2011" deleted wherever they appear and replaced by the words "31 December 2013" w.e.f. 24.12.2010.

880 FA 2013 – Paragraphs (a) and (b) repealed - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

*(a) but subject to the other provisions of this subsection, a private freeport developer shall be exempt from income tax payable for income years up to and including income year ending 31 December 2013 and thereafter be subject to tax at the rate specified in the First Schedule;*

The Additional Stimulus Package (Miscellaneous Provisions) Act 2009 - subsection (13) amended, by deleting the words "30 June 2009", wherever they appear, and replacing them by the words "30 June 2011" w.e.f 16.04.2009.

FA 2007 - Paragraphs (a) (b) and (c) amended by deleting the words "the rate specified in Sub -Part C of Part II of the First Schedule" wherever they appear and replacing them by the words "the rate specified in the First Schedule" in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

881 FA 2013 – Paragraphs (a) and (b) repealed - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

*(b) where a private freeport developer is authorised by virtue of its licence to carry out any specified manufacturing or processing activities, it shall, subject to paragraph (c), be liable to income tax on its chargeable income at the rate specified in the First Schedule;*

882 FA 2017 – **T**he words "the First Schedule" deleted and replaced by the words "Part I of the First Schedule" shall be deemed to have come into operation on 1 July 2017.

883 FA 2007 - Paragraphs (d), (e) and (f) repealed w.e.f 22.08.07.

*(d) where a private freeport developer or freeport operator, other than one referred to in paragraphs (b) or (c), is authorised to provide goods and services to a person outside the freeport zone, it shall be liable to income tax on its income from the provision of those goods and services -*

*(i) at the rate specified in Sub Part C of Part II of the First Schedule, where the sale is made to a company holding an investment certificate in respect of an export enterprise, or export service enterprise, issued as at 30 September 2006 under the Investment Promotion Act or to a duty free shop under the Customs Act; and*

*(ii) in the case of a sale made to any person other than the persons referred to in subparagraph (i) -*

*(A) at the rate specified in Sub-Part A of Part II of the First Schedule for companies in operation as at 30 June 2006; or*

*(B) at the rate specified in Sub-Part B of Part II of the First Schedule for companies starting operation after 30 June 2006;*

884 FA 2007 - Paragraphs (d), (e) and (f) repealed w.e.f 22.08.07.

*(e) where a company is licensed to carry out activities as an occasional operator, it shall be liable to income tax on its income derived from those activities -*

*(i) at the rate specified in Sub Part A of Part II of the First Schedule for operators in operation as at 30 June 2006;*

*(ii) at the rate specified in Sub Part B of Part II of the First chedule or operators entering into operation after 30 June 2006;*

885 FA 2007 - Paragraphs (d), (e) and (f) repealed w.e.f 22.08.07.

*(f) every third party freeport developer shall be liable to income tax on its chargeable income at the rate specified in Sub Part C of Part II of the First Schedule;*

886 FA 2007 - Paragraph (g) amended by deleting the words ", (c) and (d)" and replacing them by the words "and (c)" w.e.f 22.08.07.

887 FA 2011 – Paragraphs (h) amended, the words "freeport operator" and' deleted - w.e.f. 15 December 2011.

FA 2007 - Paragraph (h) repealed and replaced w.e.f 22.08.07.

*(h) in this subsection, "freeport operator", "occasional operator", "private freeport developer" and "third party freeport developer" means a company licensed as such under the Freeport Act 2004.*

888 FA 2009 –Paragraph (i) added w.e.f. 30 July 2009.

889 FA 2018 –New subsection (13A) inserted after subsection (13) w.e.f 9 August 2018.

890 Economic Development Board Act 2017 – Section 14(a) amended, the words "Investment Promotion Act" deleted and replaced by the words " Economic Development Board Act 2017" w.e.f ~~27 July 2017~~ 7 August 2017.

891 FA 2015 – Subsection (14A) repealed and replaced w.e.f. 14 May 2015.

*(14A) Notwithstanding section 24 and regulation 7 and the Second Schedule to the Income Tax Regulations 1996, accelerated annual allowance shall be granted in respect of capital expenditure incurred during income years 2013 and 2014 as follows*

| **Capital expenditure incurred on** | **Rate of annual allowance – Percentage of** | |
|---|---|---|
| | **Base value** | **Cost** |
| Industrial premises dedicated to manufacturing | 30 | |
| Plant or machinery costing 50,000 rupees or less | - | 100 |
| Electronic and high-precision machinery (including computer hardware and software) | - | 50 |
| Plant and machinery (excluding passenger car) by a manufacturing company | - | 50 |
| Green technology equipment | - | 50 |
| Scientific research | - | 50 |
| Landscaping and other earth works for embellishment purposes | - | 50 |
| Renovation works undertaken by hotels, restaurants and retail outlets | - | 33 |

FA 2012 – Section 161A amended - new subsection (14A) inserted after subsection (14) w.e.f. 22 December 2012.

892 FA 2012 – Subsection (15) amended, the words "subsection (14)(h)" – deleted and replaced by the words "subsections (14)(h) and (14A)" - w.e.f. 22 December 2012.

893 FA 2012 – Subsection (15) amended, new definition inserted - w.e.f. 22 December 2012.

894 FA 2007 – Subsection (17) – (23) added shall be deemed to have come into operation on 1 July 2007.

895 FA 2011 – After subsection (20), the following words - Tax arrears payment incentive scheme (TAPIS) deleted and replaced by the following words -Tax Arrears Settlement Scheme (TASS) - shall come into operation on 1 January 2012.

[896] FA 2017 – under the heading "Tax Arrears Settlement Scheme (TASS)", subsection (21) repealed and replaced w.e.f 24 July 2017.

*(21) (a) Where tax arrears as at 31 December 2012 are paid by a person on or before 30 Novembre 2013, 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 September 2013.*

*(b) In paragraph (a) -*

*"**tax arrears**" -*

*(a) means tax and penalty due and payable under an assessment issued or a return submitted on or before 30 June 2006; but*

*(b) does not include tax due under an assessment which is pending before the Assessment Review Committee, Supreme Court or Judicial Committee of the Privy Council.*

FA 2012 – Paragraph (a) amended, the words "31 December 2011", "30 September 2012" and "30 June 2012" deleted and replaced by the words "31 December 2012", "30 November 2013" and "30 September 2013", respectively- w.e.f. 22 December 2012.

FA 2011 –Subsections (21), (22) and (23) repealed and replaced shall come into operation on 1 January 2012.

*(21) Where tax arrears as at 30 June 2007 is paid by a person on or before 31 December 2007, any penalty under section 133 included therein for non-payment of the tax shall be reduced by 75 per cent.*

*(22) For the purposes of subsection (21), "tax arrears" means -*

*(a) tax liability which is final and conclusive pursuant to section 135 and which has remained unpaid;*

*(b) tax remaining unpaid and pending following an objection made under section 131A or under review by the Assessment Review Committee; or*

*(c) tax remaining unpaid and pending an appeal before the Supreme Court or an appeal before the Judicial Committee of the Privy Council.*

*(23) Subsections (17) and (21) shall not apply to any person who has been convicted on or after 1 July 2001 or against whom any civil or criminal proceedings are pending or contemplated or enquiry is being conducted into or relating to the trafficking of dangerous drugs, arms trafficking, offences related to terrorism under the Prevention of Terrorism Act 2002, money laundering under the Financial Intelligence and Anti-Money Laundering Act 2002 or*

*corruption under the Prevention of Corruption Act 2002.*

[897] FA 2012 - Subsection (22) repealed and replaced - w.e.f. 22 December 2012.

(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.

[898] FA 2007 - Subsection (24) in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

[899] FA 2007 - Subsection (25) shall come into operation on 1 July 2009 in respect of the year of assessment commencing 1 July 2009 and in respect of every subsequent year of assessment.

[900] FA 2008 - Subsection (26) added w.e.f 19.07.08.

[901] The Additional Stimulus Package (Miscellaneous Provisions) Act 2009 - Section 161A amended by adding, after subsection (26), the following new subsections – subsections (27) to subsection (33) shall be deemed to have come into operation on 1 January 2009.

[902] FA 2009 – Subsection (27), paragraphs (a) and (b) amended, the words "a plot of land" deleted and replaced by the words "a plot of freehold land" shall be deemed to have come into operation on 1 July 2009.

[903] FA 2009 – Subsection (27), paragraphs (a) and (b) amended, the words "a plot of land" deleted and replaced by the words "a plot of freehold land" shall be deemed to have come into operation on 1 July 2009.

[904] FA 2009 – New Heading and subsection (34)added- shall be deemed to have come into operation on 1 July 2009.

[905] FA 2009 – New Heading and subsection (35)added- shall be deemed to have come into operation on 1 July 2009.

[906] FA 2010 – New subsection (37) added after subsection (36) – w.e.f. 24.12.2010.

[907] Act No.20 of 2011 (THE ECONOMIC AND FINANCIAL MEASURES (MISCELLANEOUS PROVISIONS) ACT 2011 - Section 161A amended by adding the following new subsection (38).

[908] FA 2012 –Subsections (39) to (42) repealed and replaced w.e.f. 22 December 2012.

FA 2011 – New sections (39) to (49) added shall come into operation on 1 January 2012.

(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 undersubsection (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.

[909] FA 2015 – Subsection (42)(a) amended, the word "one" deleted and replaced by the figure "0.5" w.e.f. 14 May 2015.

[910] FA 2020 – Subsection (45) amended, the words "30 June 2019" deleted wherever they appear and replaced by the words "31 December 2020" –w.e.f 7 August 2020.

FA 2013 – Subsection (45) amended, the figures "2013" wherever it appears and "2015" deleted and replaced by the figures "2014" and "2016", respectively - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

[911] FA 2016 - Subsection (45) amended, the figure "2018" deleted and replaced it by the figure" 2019" w.e.f 7 September 2016.

FA 2015 – Subsections (45) and (46) amended, the words "31 December 2014" deleted and replaced by the words "30 June 2018" w.e.f. 14 May 2015.

[912] FA 2020 – Paragraph (b) amended, the words "30 June 2020" deleted and replaced by the words 30 June 2022" –w.e.f 7 August 2020.

FA 2016 - Paragraph (b) amended, the words "31 December 2019" deleted and replaced by the words "30 June 2020" w.e.f 7 September 2016.

FA 2015 – Subsection (45)(b) amended, the words "not later than 30 June 2016" deleted and replaced by the words "not later than 31 December 2019" w.e.f. 14 May 2015.

[913] FA 2015 – Subsections (45) and (46) amended, the words "31 December 2014" deleted and replaced by the words "30 June 2018" w.e.f. 14 May 2015.

[914] FA 2020 – Paragragh (c) amended, the words "December 2019" deleted and replaced by the words " December 2021" w.e.f 7 August 2020.

FA 2016 - Paragraph (c) amended, the words "30 June 2019" deleted and replaced by the words "31 December 2019" w.e.f 7 September 2016.

FA 2015 – Subsection (46)(c) amended, the words "31 December 2015" deleted and replaced by the words "30 June 2019" w.e.f. 14 May 2015.

FA 2013 – Subsection (46)(c) amended, the figure "2014" deleted and replaced by the figure "2015" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

915 FA 2013 – Subsection (46)(d) amended, the figure "2015" deleted and replaced by the figure "2014" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

FA 2012 – Subsection (46) amended, paragraph (d) repealed and replaced w.e.f. 22 December 2012.

(d) the sale value of a residential unit shall not exceed 2.5 million rupees.

916 FA 2016 - Paragraph (d)(ii) amended, the figures "2018" and "4" deleted and replaced by the figures "2019" and "6", respectively w.e.f 7 September 2016.

FA 2015 – Subsections (45) and (46) amended, the words "31 December 2014" deleted and replaced by the words "30 June 2018" w.e.f. 14 May 2015.

917 FA 2020 – Paragraph (d) amended by adding the following new paragraph (iii), the full stop at the end of subparagraph (ii) being deleted and replaced by the words "; or" and the word "or" at the end of subparagraph (i) being deleted w.e.f 7 August 2020.

918 FA 2016 - Paragraph (a) of Subsection (50) amended, the words "the Ninth Schedule" deleted and replaced by the words "column 1 of the Ninth Schedule" w.e.f 7 September 2016.

FA 2016 - Paragraph (a) of Subsection (50) amended, the words "31 December 2018" deleted and replaced by the words "30 June 2016" w.e.f 7 September 2016.

FA 2013 – New subsections 50(a) to 50(e) added – shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

919 FA 2013 – New subsections 50(a) to 50(e) added – shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

920 FA 2013 – New subsections 50(a) to 50(e) added – shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

921 FA 2013 – New subsections 50(a) to 50(e) added – shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

922 FA 2013 – New subsections 50(a) to 50(e) added – shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

923 FA 2017 – Paragraph (a) repealed and replaced shall be deemed to have come into operation on 1 July 2017.

*50A) (a) Subject to this subsection, where during the period 1 July 2016 to 30 June 2020 –*

*(i) a company which carries on in Mauritius the business of manufacturing or producing any of the goods or products specified in the Ninth Schedule has incurred capital expenditure on new plant and machinery and such plant and machinery is used in that activity; or*

*(ii) a company has invested in the share capital of a subsidiary company engaged primarily in the setting up and management of an accredited business incubator, it shall be allowed, by way of a deduction from its income tax otherwise payable in respect of the year of acquisition or investment and for each of the 2 subsequent income years, a tax credit –*

*(A) at the rate specified in the Ninth Schedule; or*

*(B) of an amount equal to 15 per cent of the investment in the share capital of a subsidiary company engaged primarily in the setting up and management of an accredited business incubator subject to a maximum of 3 million rupees.*

FA 2016 - New subsection (50A) inserted after subsection (50) w.e.f 7 September 2016.

924 FA 2017 – New paragraphs (aa) and (ab) inserted after paragraph (a) shall be deemed to have come into operation on 1 July 2017.

925 FA 2015 – New subsections (51) and (52) added w.e.f. 14 May 2015.

926 FA 2015 – New subsections (51) and (52) added w.e.f. 14 May 2015.

927 FA 2017 – Subsection (52) amended, in paragraphs (c) and (d) the words "section 59(b)" and "section 59(c)" deleted and replaced by the words "section 59(2)" and "section 59(3)", respectively, shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

928 FA 2017 – FA 2017 – Subsection (52) amended, in paragraphs (c) and (d) the words "section 59(b)" and "section 59(c)" deleted and replaced by the words "section 59(2)" and "section 59(3)", respectively, shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

929 FA 2017 – New subsection (52A) inserted w.e.f 24 July 2017.

930 FA 2016 - New subsections (53) and (54) added w.e.f 7 September 2016.

931 FA 2021- Subsection (55) amended, the figure ''2022'' deleted wherever it appears and replaced by the figure ''2027 '' –w.e.f 05 August 2021.

932 FA 2018 – New subsection (56) added w.e.f 9 August 2018.

933 FA 2018 – New subsection (57) added w.e.f 9 August 2018.

934 FA 2020 –Subsection (57)(b) amended, the words "as may be prescribed" deleted and replaced by the words "as the Director- General may determine" w.e.f 7 August 2020.

935 FA 2018 – New subsection (58) added w.e.f 9 August 2018.

936 FA 2020 – New subsection (58A) inserted w.e.f 7 August 2020.

937 FA 2024 – Subsection (58A)(a) amended, by deleting the words "new plant and machinery" and replacing them by the words "new plant and machinery, artificial intelligence and patents", shall be deemed to have come into operation on 01 July 2024.

FA 2023 - Subsection (58A)(a) amended, by deleting the figure "2023" and replacing it by the figure "2026", w.e.f 20 July 2023.

938 FA 2021- Subsection (58A) amended, new paragraphs (aa) and (ab) inserted – w.e.f 05 August 2021.

939 FA 2024 – Subsection (58A)(ab) amended, by deleting the words "new plant and machinery" and replacing them by the words "new plant and machinery, artificial intelligence and patents", shall be deemed to have come into operation on 01 July 2024.

FA 2023 – New Subsection (58A)(ab) inserted, w.e.f 20 July 2023.

940 FA 2023 – Subsection (58A)(ab) amended, by being reletterred as (ac), w.e.f 20 July 2023.

FA 2021- Subsection (58A) amended, new paragraphs (aa) and (ab) inserted – w.e.f 05 August 2021.

941 FA 2024 – New definition inserted, shall be deemed to have come into operation on 01 July 2024.

942 FA 2018 – New subsection (59) added w.e.f 9 August 2018.

943 FA 2018 – New subsection (60) added w.e.f 9 August 2018.

944 FA 2023 – Subsection (61) amended, by deleting the words "on or after 1 September 2016" and replacing them by the words "during the period starting on 1 September 2016 and ending on 8 August 2018", w.e.f 20 July 2023.

FA 2018 – New subsection (61) added w.e.f 9 August 2018.

945 FA 2018 – New subsection (62) added w.e.f 9 August 2018.

946 FA 2019 – New subsection (63) added – w.e.f 25 July 2019.

947 Covid M A 2020- Subsection (63) amended, the words "31 March 2020"deleted wherever they appear and replaced by the words "26 June 2020" – shall be deemed to have come into operation on 23 March 2020.

948 Covid M A 2020 – Subsection (63) amended, the words "31 March 2020" deleted wherever they appear and replaced by the words "26 June 2020"-shall be deemed to have come into operation on 23 March 2020.

949 New subsection (64) added w.e.f 7 August 2020.

950 New subsection (65) added w.e.f 7 August 2020.

951 New subsection (66) added w.e.f 7 August 2020.

952 FA 2021 -New subsection (67) added w.e.f 05 August 2021.

953 FA 2021 -New subsection (68) added w.e.f 05 August 2021

954 FA 2021 -New subsection (69) added w.e.f 05 August 2021

955 FA 2021 -New subsection (70) added w.e.f 05 August 2021

956 FA 2021- New subsection (71) added – shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

957 FA 2021- New subsection (72) added – shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

958 FA 2021 - New subsection (73) added w.e.f 05 August 2021.

959 FA 2022 - New subsection (74) added w.e.f 02 August 2022

960 FA 2022 - New subsection (75) added w.e.f 02 August 2022.

961 The words "Subject to section 161A" replaced "Subject to section 11 of the Finance Act 1995" by FA 2000.

962 FA 2023 – Part I repealed and replaced, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

*ITA 1995:*

| | | ***Rate of income tax*** |
|---|---|---|
| *An individual having an annual net income –* | | |
| *(a)* | *not exceeding 700, 000 rupees* | *10 per cent* |
| *(b)* | *exceeding 700, 000 rupees but not exceeding 975,000 rupees* | *12.5 per cent* |
| *(c)* | *exceeding 975, 000 rupees* | *15 per cent* |

FA 2022 – Part I repealed and replaced, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

Previously:

***PART I***

| | | ***Rate of income tax*** |
|---|---|---|
| *An individual having an annual net income –* | | |
| *(a)* | *not exceeding 650, 000 rupees* | *10 per cent* |
| *(b)* | *exceeding 650, 000 rupees* | *15 per cent* |

FA 2018 - Part I repealed and replaced – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2018 and in respect of every subsequent income year.

**PART I**

| | |
|---|---|
| Rate of income tax | 15 per cent |

FA 2017 – The First Schedule repealed and replaced shall be deemed to have come into operation on 1 July 2017.

***FIRST SCHEDULE***

*[Section 4]*

| | |
|---|---|
| *Rate of income tax* | *15 per cent* |

FA 2011 – The First Schedule repealed and replaced - shall be deemed to have come into operation on 5 November 2011.

| | | | |
|---|---|---|---|
| (a) | Rate of income tax on income, other than gains | | 15 per cent |
| (b) | Rate of income tax on gains – | | |
| | (i) | in the case where the property is sold or transferred, otherwise than in the ordinary course of business, by an individual or co-owner who is an individual; | 10 per cent |
| | (ii) | in the case where the property is sold or transferred by a trust; | 10 per cent |
| | (iii) | in any other case | 15 per cent |

FA 2010 –The First Schedule repealed and replaced w.e.f. 24.12.2010.

**FIRST SCHEDULE**
(section 4)

Rate of income tax … … … 15 per cent

FA 2007 - The First Schedule repealed and replaced in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

FA 2006 s.18(zzf) – effective as from income year commencing on 1 July 2006.

**FIRST SCHEDULE**
*(section 4)*
**PART I – INDIVIDUALS**

| Income year commencing on - | Chargeable income | Rate of tax |
|---|---|---|
| (a) 1 July 2006 | Chargeable income relating to net income other than income from interest -<br>On the first 500,000 rupees<br>On the remainder<br>Chargeable income relating to income from interest | <br><br>15.0 per cent<br>22.5 per cent<br><br>15.0 per cent |
| (b) 1 July 2007 | Chargeable income relating to net income other than income from interest -<br>On the first 500,000 rupees<br>On the remainder<br>Chargeable income relating to income from interest | <br><br>15.0 per cent<br>20.0 per cent<br><br>15.0 per cent |
| (c) 1 July 2008 | Chargeable income relating to net income other than income from interest -<br>On the first 500,000 rupees<br>On the remainder<br>Chargeable income relating to income from interest | <br><br>15.0 per cent<br>17.5 per cent<br><br>15.0 per cent |
| (d) 1 July 2009 and in respect of every subsequent income year | On the total chargeable income | 15.0 per cent |

[963] FA 2023 – Part III amended, by repealing the heading "Sub-Part A" and by repealing Sub-parts B and C, w.e.f 20 July 2023.

**Previously was:**

***Sub-Part B***

| ***Chargeable income –*** | | ***Rate of income tax*** |
|---|---|---|
| *(a)* | *first 1.5 billion rupees* | *5 per cent* |
| *(b)* | *exceeding 1.5 billion rupees up to the amount equivalent to the chargeable income of the base year* | *15 per cent* |
| *(c)* | *remainder* | *5 per cent* |

***Sub-Part C***

| | |
|---|---|
| *Rate of income tax* | *5 per cent* |

FA 2018 – New Parts added shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[964] *FA 2004. (effective as from income year commencing on 1 July 2004)*

***FIRST SCHEDULE***
***(section 4)***
***Rates of income tax***

.

***PART I - INDIVIDUALS***[(1)]

| ***Chargeable income*** | ***Rate of tax*** |
|---|---|
| *On the first 25,000 rupees* | *10 per cent* |
| *On the next 25,000 rupees* | *20 per cent* |
| *On the next 450,000 rupees* | *25 per cent* |
| *On the remainder* | *30 per cent* |

- [(1)] *FA 1996 (effective as from income year commencing on 1 July 1996)*

***PART I - INDIVIDUALS***

| *Chargeable income* | *Rate of tax* |
|---|---|
| *On the first 15,000 rupees* | *5 per cent* |
| *On the next 20,000 rupees* | *15 per cent* |
| *On the next 20,000 rupees* | *25 per cent* |
| *On the remainder* | *30 per cent* |

- *FA 1999 – Income year 1999-2000(effective as from income year commencing on 1 July 1999)*

***PART I - INDIVIDUALS***

| *Chargeable income* | *Rate of tax* |
|---|---|
| *On the first 15,000 rupees* | *5 per cent* |
| *On the next 25,000 rupees* | *15 per cent* |
| *On the next 25,000 rupees* | *25 per cent* |
| *On the remainder* | *28 per cent* |

- *FA 2000 – Income year 2000-2001(effective as from income year commencing on 1 July 2000)*

***PART I - INDIVIDUALS***

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

[965] FA 2006 s.18(zzf) – effective as from year of assessment 2007/2008.

**PART II – COMPANIES**

**Sub-Part A - Companies liable to tax at the rate of 25 per cent in respect of the year of assessment commencing on 1 July 2006**

**Rate of tax on chargeable income**

| Year of assessment commencing on - | Rate of tax |
|---|---|
| (a) 1 July 2007 | 22.5 per cent |

| | |
|---|---|
| (b) 1 July 2008 | 20.0 per cent |
| (c) 1 July 2009 | 17.5 per cent |
| (d) 1 July 2010 and in respect of every subsequent year of assessment | 15.0 per cent |

**Sub-Part B - Companies incorporated or registered on or after 1 July 2006 which, had they been in operation, would have been liable to tax at the rate of 25 per cent in respect of the year of assessment commencing on 1 July 2006**

**Rate of tax on chargeable income**

| Year of assessment commencing on - | Rate of tax |
|---|---|
| (a) 1 July 2007 | 22.5 per cent |
| (b) 1 July 2008 | 20 per cent |
| (c) 1 July 2009 | 17.5 per cent |
| (d) 1 July 2010 and in respect of every subsequent year of assessment | 15.0 per cent |

**Sub-Part C - Companies liable to tax at the rate of 15 per cent in respect of the year of assessment commencing on 1 July 2006 and companies incorporated or registered on or after 1 July 2006 and not falling under Sub-Part B**

**Rate of tax on chargeable income**

| Year of assessment commencing on - | Rate of tax |
|---|---|
| 1 July 2007 and in respect of every subsequent year of assessment | 15 per cent |

***PART II - TAX INCENTIVE COMPANIES*[(1)]**

*The rate of tax on chargeable income shall be 15 per cent.*

[(1)] *Part II amended by FA 2000. Effective as from year of assessment 2001-02. Previously - ITA 1995 as amended - Year of assessment 1996-97*

***PART II - TAX INCENTIVE COMPANIES***

*The rate of tax on chargeable income shall be 15 per cent.*

- FA 1998 – Year of assessment 1998-99

**PART II - TAX INCENTIVE COMPANIES**

1. Subject to item 2, the rate of tax on chargeable income shall be 15 per cent.
2. In respect of a tax incentive company specified in item 16(a) or 16(b) of Part V of the First Schedule and which elects, by notice in writing given simultaneously to the Authority or the Bank of Mauritius respectively, and to the Commissioner to pay income tax at a rate exceeding 15 per cent, the rate of tax on its chargeable income shall be the rate specified in that notice.

[(2)] Previous PART IV renumbered PART III by FA 2000, the previous PART III being deleted. Effective as from year of assessment 2001-02. Previously ITA 1995 – year of assessment 1996-97

**PART III[(2)] - OTHER COMPANIES**

The rate of tax on chargeable income shall be 25 per cent[(3)].

[(2)] Previous PART IV renumbered PART III by FA 2000, the previous PART III being deleted. Effective as from year of assessment 2001-02. Previously ITA 1995 – year of assessment 1996-97

**PART III - STOCK EXCHANGE COMPANIES**

The rate of tax on chargeable income shall be 25 per cent in respect of the following -

1. A company listed on the Stock Exchange other than a tax incentive company
2. A subsidiary of a listed company other than a subsidiary which qualifies as a tax incentive company.

[(3)] The words “25 per cent” replaced “35 per cent” by FA 2000. Effective as from year of assessment 2001-02.

***PART IV[1] - LIST OF TAX INCENTIVE COMPANIES***

*1.[2] A company holding an investment certificate in respect of an export enterprise[3]*

*2.[2] A company holding an investment certificate in respect of a strategic local enterprise*

*3.[2] A company holding an investment certificate in respect of modernisation and expansion enterprise other than a company engaged in the manufacture of excisable goods under the Excise Act 1994*

*4.[2] A company holding an investment certificate in respect of an industrial building enterprise*

*5.[2] A company holding an investment certificate in respect of a pioneer status enterprise*

] ] ] under ] ] ] the ] ] ] Investment ] ] ] Promotion ] ] ] Act ] ] ] 2000 ]

*6.[2] A company registered with the Small and Medium Industries Development Organisation*

*7. A company holding an export service certificate under the Export Service Zones Act 1981*

*8.[4] A company operating an aerodrome*

*9.[4] A company holding an investment certificate in respect of hotel development under the Investment Promotion Act 2000*

*[1] Previous PART V renumbered PART IV by FA 2000.*

*[2] Items 1-6 amended by FA 2001. Effective as from income year 2001-02. Previously ITA 1995 as amended -*

*1. A company holding an export enterprise certificate*
*2. A company holding a strategic local enterprise certificate*
*3. A company holding a modernisation and expansion enterprise certificate other than a company engaged in the manufacture of excisable goods under the Excise Act 1994*
*4. A company holding an industrial building enterprise certificate*
*5. A company holding a pioneer status certificate*
*6. A company registered with the Small and Medium Industries Development Organisation*

] ] ] under ] ] ] the ] ] ] Industrial ] ] ] Expansion ] ] ] Act ] ] ] 1993

*[3]* ***Exempt from income tax from year of assessment 1997-98 to year of assessment 2000-01.*** *Previously Second Schedule, Part I, Item 28 which was added by FA 1996 and deleted by FA 1998 -*

*28. A company holding* an export enterprise certificate under the Industrial Expansion Act 1993

[4] Items 8 & 9 amended by FA 2001. Effective as from income year 2000-01. Previously ITA 1995 as amended -

*8. A company holding a development certificate under the Development Incentives Act*
*9. A company holding a hotel management service certificate under the Hotel Management (Incentives) Act 1982, notwithstanding section 7 of that Act*

*10. An investment trust company listed on the Stock Exchange or designated as an approved investment institution under section 50A of the Stock Exchange Act 1988*

*11. An authorised mutual fund under the Companies Act 1984*

*12. A trustee of a unit trust scheme*

*13. A company holding a housing development certificate issued by the Minister*

*14.[1] A polyclinic holding an investment certificate in respect of health services under the Investment Promotion Act 2000*

*15. A manufacturing company*

*16.[2] A corporation holding a Category 1 Global Business Licence under the Financial Services Development Act 2001*

*17. A société which opts to be liable to income tax under section 47(6)*

*18. A company engaged wholly in the management of -*

*(a) a venture capital fund;*

*(b) a company holding an investment certificate in respect of a strategic local enterprise under the Investment Promotion Act 2000[3]*

*[1] Item 14 amended by FA 2001. Effective as from income year 2001-02. Previously ITA 1995 as amended -*

*14. A polyclinic holding a health development certificate under the Health Development Certificate Act 1992*

*[2] Item 16 amended by Banking Act 2004. Effective date 10 November 2004. Proclamation No. 39 of 2004. Previously was:*

*16. (a) A corporation holding a Category 1 Global Business Licence under the Financial Services Development Act 2001.*

*(b) A bank holding a Category 2 Banking Licence[i]) under the Banking Act 1988 in respect of the business activities covered by that licence[ii]*

*(i) The words "Category 2 Banking Licence" replaced "Class B Banking Licence" by FA 2002*

*(ii) The words "in respect of the business activities covered by that licence" added by GN 124 of 2002 - 13.08.2002.*

*Item 16 amended by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001. Previously -*

- *ITA 1995 as amended -*

*16. A corporation certified to be engaged in international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Act 1992*

- *FA 1998 -*

*16. (a) A corporation certified to be engaged in international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Act 1992*

*(b) A company holding an Offshore Banking Licence under the Banking Act 1988.*

*[3] Paragraph (b) of item 18 amended by FA 2001. Effective as from income year 2001-02. Previously -*

- *ITA 1995 as amended -*

*18. A company engaged wholly in the management of a venture capital fund.*

- *GN 4 of 1998 - 19.12.1997*

*19. A venture capital fund*

*20. A bus company operating a bus or a fleet of buses and holding a road service licence in respect of those buses*

*21.[1] A company engaged in the agro-based industry and holding in that respect, an investment certificate under the Investment Promotion Act or a certificate under Part VIII of the Industrial Expansion Act, as the case may be*

*22. A company deriving at least 75 per cent of its gross income from agriculture, [other than sugar cane cultivation, but including][2] fishery and livestock*

*23.[3] A company whose main activity is to provide lease financing, as may be approved by the Financial Services Commission established under the Financial Services Development Act 2001*

*24.[4] A company deriving at least 75 per cent of its gross income from construction activities in Mauritius*

*25.[5] A company duly authorised by the Financial Services Commission established under the Financial Services Development Act 2001, to conduct business in -*

*(a) actuarial services and related activities;*

*(b) investment management expertise and services;*

*(c) investment management and advisory services;*

*(d) investment management, pension fund management, investment advice and portfolio and asset management;*

*(e) investment advisory and management services to funds and other corpus in relation to portfolio investments;*

*(f) treasury management within the same group.*

*26.[5] A company holding an investment certificate in respect of fishing development under the Investment Promotion Act*

*27.[5] A company holding an investment certificate in respect of leisure development under the Investment Promotion Act*

*28.[6] A company holding an investment certificate under the Investment Promotion (Regional Development Scheme) Regulations 2001*

*29.[7] A company engaged in the hotel industry*

*[1] Item 21 amended by GN 124 of 2002 - 13.8.2002. Previously ITA 1995 as amended -*

*21. A company engaged in the agro-based industry approved by the Minister of Agriculture and Natural Resources*

*[2] The words "other than sugar cane cultivation, but including" deleted by FA 1999. Effective as from income year 1999-00.*

*[3] Item 23 amended by GN 124 of 2002 - 13.8.2002. Previously ITA 1995 as amended -*

*23. A company whose main activity is to provide lease financing, as may be approved by the Minister*

*[4] Item 24 deleted and replaced by FA 2004. Effective as from 1 July 2004. Previously was:*

*24. A company deriving at least 75 per cent of its gross income from the construction of buildings, roads, **bridges and dams**[(i)]*

*(i) The words "bridges and dams" replaced "and bridges" by FA 2000. Effective as from year of assessment 2000-01*

*[5] Items 25, 26 and 27 amended by GN 124 of 2002 - 13.8.2002. Previously FA 1997 - year of assessment 1997-98*

*25. A company holding a pioneer financial services certificate issued by the Minister*

*26. A company holding a fishing development certificate issued by the Minister to whom responsibility for the subject of fisheries is assigned*

*27. A company holding a leisure development certificate issued by the Minister to whom responsibility for the subject of leisure is assigned.*

*[6] Item 28 amended by GN 124 of 2002 - 13.8.2002. Previously FA 1998-*

*28. A company holding a regional development certificate issued **[under the Development Incentives Act]**[(i)] by the Minister to whom responsibility for the subject of regional development is assigned*

*[(i)] The words "under the Development Incentives Act" deleted by FA 2001. Effective as from income year 2001-02*

*[7] Item 29 added by FA 1999. Effective as from income year 1999-00.*

*30.[1] An ICT company*

*31.[2] A company operating a duty free shop, other than a duty free shop at the port or airport, under the Customs Act 1988*

*32.[2] A company approved by the Minister responsible for the subject of education or by the Tertiary Education Commission established under the Tertiary Education Commission Act 1988, as a company engaged in the provision of pre-primary, primary,[(2)(b)] secondary or tertiary education, as the case may be*

33.[3] *A company holding an investment certificate under the Investment Promotion (Regional Headquarters Scheme) Regulations 2001.*

34.[4]

35.[5] *A company deriving at least 75 per cent of its gross income from the provision of training and registered as such with the Industrial and Vocational Training Board*

36.[5] *A company duly licensed to carry on the business of restaurant*

37.[5] *A company carrying on business as -*

*(a) tour operator;*
*(b) scuba diving centre or helmet diving centre;*
*(c) cruise or boat house operator;*
*(d) big game fishing operator;*
*(e) musical and other entertainment services provider,*[6]

*and registered as such with the Ministry responsible for the subject of tourism*

[1] *Item 30 amended by GN 124 of 2002 - 13.8.2002. Previously -*

*FA 1999 – income year 1999-00*

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

*FA 2000 - year of assessment 2001-02 -*

*30. A company deriving at least 75 per cent of its gross income from software development, hosting of web sites or multimedia development*

[2] *Items 31 & 32 added by FA 1999. Effective as from income year 1999-00.*

[2](b) *The words "pre-primary, primary" added by FA 2003. Effective as from year of assessment 2003/2004.*

[3] *Item 33 amended by GN 124 of 2002 - 13.8.2002. Previously GN 55 of 2000 - 18.4.2000 -*

*33. A company holding a regional headquarters certificate issued by the Minister to whom responsibility for the subject of industry is assigned and deriving at least 80 per cent of its gross income from outside Mauritius*

*Item 33 replaced by FA 2004. Effective as from Assessment year 2003/04. Previously was:*

*33. A company holding an investment certificate under the Investment Promotion (Regional Headquarters Scheme) Regulations 2001 and deriving at least 80 per cent of its gross income from outside Mauritius*

[4] *Item 34 deleted by GN 124 of 2002 - 13.8.2002. Previously FA 2000 - year of assessment 2001-02*

*34. A company operating as internet service provider or network service provider*

[5] *Items 35 to 37 added by FA 2000. Effective as from year of assessment 2001-02.*

[6] *Paragraph (e) added by GN 124 of 2002 - 13.8.2002*

38.[1] *A company set up to operate the Stock Exchange established under the Stock Exchange Act 1988*

39.[1] *A company set up to provide a central depository, clearing and settlement service to the Stock Exchange established under the Stock Exchange Act 1988*

40.[2] *A company holding a management licence under the Financial Services Development Act 2001*

41.[3] *A company managing an equity fund*

42.[4] *A company licensed under section 14 of the Financial Services Development Act 2001 to conduct business activity in the financial services sector, other than insurance business.*

43.[5] *A guarantee fund established under section 3(8)(a) of the Securities (Central Depository, Clearing and Settlement) Act.*

[1] *Items 38 and 39 added by FA 2000. Effective as from year of assessment 2001-02.*

[2] Item 40 amended by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001. Previously FA 2000 - year of assessment 2001-02 -

40. A company holding an offshore companies management licence under section 23, or a company holding an offshore certificate under section 16, of the Mauritius Offshore Business Activities Act 1992, and providing management services to offshore companies or international companies or acting as corporate trustee

[3] Item 41 added by GN 124 of 2002 - 13.8.2002.

[4] Item 42 added by FA 2003. Effective as from year of assessment 2003/2004.

[5] Item 43 added by FA 2004. Effective as from 1 July 2004.

[966] FA 2006 s.18(zzf) effective as from income year commencing 1July 2006 for individuals and as from year of assessment 2007/2008 for companies.

***SECOND SCHEDULE***
***(section 7)***
***Exempt Income***

***PART I - INCOME DERIVED BY -***

*1. A charitable institution or a charitable trust.*

*2. A société de secours mutuels.*

*3. A benevolent association.*

*4. A trade union.*

*5. A co-operative society registered under the Co-operative Societies Act.*

*6. A local authority.*

*7. The National Pensions Fund established under the National Pensions Act.*

*8. The registered owner of a foreign vessel from the operation of the vessel.*

*9. The registered owner of a local vessel registered in Mauritius provided the income is derived from deep sea international trade only.*

*10. The Agricultural Research Fund.*

*11. The Food and Agricultural Research Council.*

*12. The Mauritius Sugar Authority.*

*13. The Mauritius Sugar Industry Research Institute.*

*14. The Mauritius Sugar Terminal Corporation.*

*15. The Sugar Employees Fund.*

*16. The Sugar Industry Pension Fund.*

*17. The Sugar Insurance Fund.*

*18. The Sugar Planters Fund.*

*19. The Sugar Investment Trust.*

*20. A trust in respect of a superannuation fund.*

*21. A superannuation fund.*

*22. An investment club formed in accordance with the Stock Exchange Act 1988.*

*23. A non-citizen who is approved by the Minister or is a member of a class approved by the Minister, from personal or professional services performed by him within Mauritius, where in the opinion of the Minister -*

*(a) the services rendered or to be rendered by the non-citizen are primarily and principally directed at assisting the Government in the development of Mauritius; and*

*(b) the income derived by the non-citizen is liable to income tax in another country.*

*24. A non-citizen who is approved by the Minister or is a member of a class approved by the Minister -*

*(a) from personal or professional services performed by him in Mauritius for or on behalf of an employer who is also a non-citizen; or*

*(b) from any maintenance allowance, scholarship or bursary provided for or paid to him,*

*where the income is derived by him during and in respect of his presence in Mauritius for the purpose of providing professional or expert advice or assistance, teaching or lecturing, making investigations, or receiving education, training or experience, under an arrangement for assistance entered into by the Government of Mauritius with the government of any other country or with an international organisation for the purpose of providing, on any basis, professional, expert, educational, economic, technical or cultural assistance or administrative or other training, or the means or facilities for investigations.*

*25. A non-resident expatriate engineering and support service personnel required by a pioneer status enterprise or by any company engaged in electronics and high-technology activities for the installation and maintenance of equipment and training of local staff.*

*26.*[(1)]

*27. An international organisation approved by the Minister.*

*28.*[(2)] *(a) A company holding a Human Resource Development Certificate provided that -*

*(i) the company starts operations within a period not exceeding 3 years of 1 July 2001; and*

*(ii) the period of exemption of the income of the company does not exceed 5 income years as from the income year in which the company starts operations.*

*(b) Notwithstanding the other provisions of this Act, any loss incurred by a company under paragraph (a) during the period of exemption of its income shall be available for carry forward under section 59.*

(1) Item 26 deleted by FA 2004. Effective as from 1 July 2004.
(2) Item 28 added by FA 2001. Effective as from income year 2001-02. See footnote relating to item (1) of Part IV of First Schedule.

29.[(1)] (a) *A company holding an investment certificate under the Investment Promotion (ICT Scheme) Regulations 2002, provided that the period of exemption of the income of the company shall, subject to the other paragraphs of this item, be limited up to the income year ending 30 June 2012.*

*(b) Where during the period of exemption referred to in paragraph (a), a company provides services to residents, the net income derived therefrom shall be subject to income tax at the rate specified in Part II of the First Schedule to the Act.*

*(c) Where on or after 1 July 2008 a company holding an investment certificate issued on or before 30 June 2005 does not satisfy the requirements of regulation 5 of the Investment Promotion (ICT Scheme) Regulations 2002, the net income of the company shall, notwithstanding paragraph (a), be subject to income tax at the rate specified in Part II of the First Schedule to the Act.*

*(d) A company holding an investment certificate issued prior to 1 July 2008 in respect of business process outsourcing/back office operations, call centres or contact centres may, within 60 days of the date of the investment certificate, by irrevocable notice in writing to the Director-General, elect to have two-thirds of its net income exempted.*

*(b) Where a company has made an election in accordance with paragraph (d), two-thirds of its net income shall be exempted from income tax.*

**(1)** *Item 29 deleted and replaced by GN 100 of 2005 dated 25.6.2005. Previously GN 150 of 2002 dated 20.9.2002 –*

*29.[(i)] (a) A company holding an investment certificate under the Investment Promotion (ICT Scheme) Regulations 2002, provided that the period of exemption of the income of the company shall, subject to paragraphs (b) and (c), be limited up to the income year ending 30 June 2008.*

*(b) A company holding an investment certificate issued prior to 1 July 2008 in respect of business process outsourcing/back office operations, call centres or contact centres under the Investment Promotion (ICT Scheme) Regulations 2002 may, within 60 days of the date of the investment certificate, by irrevocable notice in writing to the Commissioner, elect to have two-thirds of its net income exempted.*

*(c) Where a company has made an election in accordance with paragraph (b), two-thirds of its net income shall be exempted from income tax.*

*(d)[(ii)] Notwithstanding the other provisions of this Act, any loss incurred by a company under paragraphs (a) and (c) during the period of exemption of its income shall be available for carry forward under section 59.*

**(i)** *Item 29 amended by GN 124 of 2002 dated 13.8.2002, previously –*

*29. A company holding an investment certificate in respect of specified information and communication services under the Investment Promotion (ICT Scheme) Regulations 2002 provided that the period of exemption of the income of the company shall be limited up to the year of assessment ending 30 June 2009.*

**(ii)** *Item 29(d) inserted by FA 2003. Effective as from year of assessment 2003/2004.*

*(f) Paragraph (b) shall not apply to the net income derived up to 30 June 2008 by a company holding an investment certificate issued on or before 30 June 2005.*

*(g) Notwithstanding the other provisions of this Act, any loss incurred by a company referred to in this item during the period of exemption of its net income shall be available for carry forward under section 59.*

*30.[(1)(2)]*

*31.[(1)] An equity fund.*

*32.[(1)] A non-citizen from outside Mauritius and who is resident in Mauritius.*

*33.[(3)] (a) A company set up for the purpose of operating a spinning, weaving or dyeing factory[(4)], provided that -*

*(i) the company starts operations by 30 June 2006, and*

*(ii) the period of exemption of the income of the company does not exceed 10 income years as from the income year in which the company starts operations.*

*(b) Notwithstanding the other provisions of this Act, any loss incurred by a company under paragraph (a) during the period of exemption of its income shall be available for carry forward under section 59.*

34.[5] A trust set up under the Trusts Act 2001 to administer an employees' share scheme.

35.[5] The Employees' Real Estate Investment Trust referred to in section 10A of the Employees' Welfare Fund Act.

[1] Items 30 to 32 added by GN 124 of 2002 - 13.8.2002.
[2] Item 30 deleted by FA 2003. Effective as from year of assessment 2003/2004.
[3] Item 33 added by FA 2003. Effective as from year of assessment 2003/2004.
[4] The words "A company set up for the purpose of operating a spinning, weaving or dyeing factory" replaced the words "A company engaged in spinning" by FA 2005. Effective as from assessment year 2005-06.
[5] Items 34 and 35 added by FA 2004. Effective as from 17 August 2004.

***SECOND SCHEDULE Part II -(ITA 1995)***

***PART II - EMOLUMENTS***

*1. Emoluments derived from the office of the President or Vice-President.*

*2. Any lump sum or gratuity paid under a pension law.*

*3. Income derived by way of basic retirement pension payable under the National Pensions Act.*

*4. The first 1,400,000 rupees[1] of any sum received by way of severance allowance determined in accordance with the Labour Act.*

*5. The first 1,400,000 rupees[1] of any sum received by way of retiring allowance by a person[2] who has attained the appropriate retiring age and retires after completing not less than 10 years' employment on such conditions as may be prescribed.*

*For the purposes of this item -*

*"employment" includes any employment of the taxpayer -*

*(a) with any company which in the opinion of the Director-General -*

*(i) consisted wholly or substantially of the same shareholders; or*

*(ii) was under the control of the same persons, as the company from whose employment the taxpayer retired;*

*(b) with the same employer, whether or not the business of the employer was the same;*

*(c) in the same business, whether or not there had been a change of ownership of the business; or*

*(d) which, in the opinion of the Director-General, was substantially the same employment as that from which the taxpayer retired.*

*[3]*

*6. Any lump sum received by way of death gratuity or as consolidated compensation for death or injury or as commutation of pension and paid -*

*(a) by virtue of any enactment;*

*(b) from a superannuation fund; or*

(1) The words “one million rupees” deleted and replaced by the words “1,400,000 rupees”. Amended by FA 2003. Effective as from income year 2002/2003.

(2) The words "The first one million rupees of any sum received by way of retiring allowance by a person" replaced "That portion of the retiring allowance which does not exceed the specified sum paid to a person" by GN 158 of 1998. Effective as from 1.7.97.

(3) The definition of "specified sum" deleted by GN 158 of 1998. Effective as from 1.7.97. Previously ITA 1995 as amended - **“specified sum”** means an amount equal to one third of the emoluments of a person from an employment in the 36 months preceding the date of his retirement.

*(c) under a personal pension scheme approved by the Director-General.*

*7. That portion of any sum payable by the Government of Mauritius by way of a gratuity in relation to a public officer employed on a contract which is equivalent to 7½ per cent of the basic salary payable under the contract in respect of the contract period.*

*8. Any rent allowance payable to a person appointed to an office in -*

*(a) the Police Force;*

*(b) the Fire Services;*

*(c) the Forests Division of the Ministry of Agriculture and Natural Resources;*

*(d) the Prisons and Industrial School Service;*

*(e) the Ministry of Fisheries;*

*(f) the Department of Civil Aviation; and*

*(g) the Fire Unit of the Mauritius Marine Authority.*

*9. Any housing allowance not exceeding 100 rupees per month payable by an employer to an employee under any enactment or by virtue of an award made under an enactment.*

*10. Any transport allowance payable by an employer to an employee by virtue of the terms and conditions of service equivalent to -*

*(a) the return bus fare between residence and place of work;*

*(b) commuted travelling allowance and travel grant payable by the Government of Mauritius and the local authority to their employees;*

*(c) the actual allowance paid or 25 per cent of the monthly basic salary up to a maximum of 6,200 rupees(1) , whichever is the lesser, provided that the employee makes use of a private car registered in his own name for attending duty and for the performance of the duties of his office or employment.*

*11. Any reimbursement of medical expenses to home-based staff of overseas missions.*

*12. The emoluments derived by a seaman who is employed on a vessel registered in Mauritius or on a foreign vessel.*

(1) Amended by FA 2003 by deleting “5,730 rupees” and replacing by “6,200 rupees”. Effective as from income year 2003/2004.

- ITA 1995 as amended - Rs 4,000

- FA 1997 - Income year 1996-97 - Rs 5,250
- FA 2001 - Income year 2001-02 - Rs.5,730

13. *That portion of the emoluments of an expatriate employee, or of a specified Mauritian employee[1] of a pioneer status enterprise, an export enterprise, a company engaged in electronics and high-technology activities, a company holding a regional headquarters certificate,[2] or a company engaged wholly in the management of a venture capital fund, that will, in respect of an income year, reduce his tax liability otherwise payable on the emoluments derived by him from the enterprise or company to 50 per cent, provided that the number of employees entitled to the exemption shall not exceed 2 for each enterprise or company, as the case may be, and that the period of exemption granted to the expatriate employee and specified Mauritian employee does not exceed, in the aggregate, 4 income years for each enterprise or company.[3]*

**(1)** The words ", or of a specified Mauritian employee" inserted by FA 1999. Effective as from income year 1999-00.

**(2)** The words "a company holding a regional headquarters certificate" inserted by GN 55 of 2000 - 18.4.00

**(3)** The words "and that the period of exemption granted to the expatriate employee and specified Mauritian employee does not exceed, in the aggregate, 4 income years for each enterprise or company" added by FA 1999. Effective as from income year 1999-00.

14. *(a)[1] That portion of the emoluments of an expatriate employee or of a specified Mauritian employee of a company -*

*(i) operating in the freeport zone;*

*(ii) duly authorised by the Financial Services Commission established under the Financial Services Act 2007, to conduct any of the business activities referred to in item 25 of Part IV of the First Schedule;*

*(iii) holding a Category 1 Global Business Licence under the Financial Services Act 2007;*

*(iv)[2] holding a banking licence under the Banking Act 2004 and who is employed by that company to carry out banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Development Act 2001; [or][3]*

*(v) managing an equity fund; or[4]*

*(vi)[5] engaged in spinning activities,*

*that will, in respect of an income year, reduce the tax liability of the employee otherwise arising from the emoluments derived by him from the company to 50 per cent, provided that the period of exemption granted to the employee does not exceed, in the aggregate, 4 income years for each company.*

(1) Paragraph (a) amended by GN 124 of 2002 - 13.8.2002. Previously ITA 1995 as amended -
(a)[1]That portion of the emoluments of an expatriate employee, or of a specified Mauritian employee[2] of a company operating in the freeport zone, of a company holding a pioneer financial services certificate,[3] or holding a Category 1 Global Business Licence under the Financial Services Development Act 2001 or a bank holding a Class B Banking Licence under the Banking Act 1988**[4]**, that will, in respect of an income year, reduce his tax liability otherwise payable on the emoluments derived by him from the company to 50 per cent, provided that the period of exemption granted to the expatriate employee and specified Mauritian employee does not exceed, in the aggregate, 4 income years for each enterprise or company.[5]

(1) Previous provisions lettered as paragraph (a) by FA 1999.

(2) The words ",or of a specified Mauritian employee" inserted by FA 1999. Effective as from income year 1999-00.

(3) The words "of a company holding a pioneer financial services certificate" inserted by FA 1997. Effective as from income year 1996-97

(4) The words "holding a Category 1 Global Business Licence under the Financial Services Development Act 2001 or a bank holding a Class B Banking Licence under the Banking Act 1988" replaced "of such other kind of corporation as may be approved by the Minister" by the

Financial Services Development Act 2001. Effective as from 1.8.2001- Proclamation No. 8 of 2001

(5) The words "provided that the period of exemption granted to the expatriate employee and specified Mauritian employee does not exceed, in the aggregate, 4 income years for each enterprise or company" added by FA 1999. Effective as from income year 1999-00.

(2) Paragraph (iv) deleted and replaced by Banking Act 2004. Effective as from 10 November 2004. Proclamation No. 39 of 2004. Previously was

(iv) "holding a Category 2 Banking Licence under Banking Act and who is employed by that company to carry out the business activities covered by that licence; or"

(3) The word "or" at the end of paragraph (iv) deleted by FA 2004. Effective as from year of assessment 2004-05.

(4) The comma at the end of subparagraph (v) deleted and replaced by "; or" by FA 2004.

(5) Subparagraph (vi) added by FA 2004. Effective as from Assessment year 2004/05.

*(b)* [1] *For the purposes of paragraph (a) and item 13 –*

*(i) "specified Mauritian employee" means an employee who is a citizen of Mauritius and who has, immediately before taking up employment in Mauritius, been abroad for a period of, or an aggregate period of, 270 days or more in each of the 10 income years immediately preceding the income year in which he is employed in Mauritius;*

*(ii) "company" means a company which is resident in Mauritius.*

[1] Paragraph (b) amended by FA 2000. Effective as from 1.7.2000. Previously FA 1999 - income year 1999-00.

(b) For the purposes of paragraph (a) and item 13, "specified Mauritian employee" means an employee who is a citizen of Mauritius and who has, immediately before taking up employment in Mauritius, been abroad for a period of, or an aggregate period of, 270 days or more in each of the ten income years immediately preceding the income year in which he is employed in Mauritius.

[2] Item 17 added by the Sugar Industry Efficiency Act 2001. Effective as from 17.9.2001 - Proclamation No. 15 of 2001.

*15. Emoluments of a non-citizen who holds office in Mauritius as an official of a Government other than the Government of Mauritius and is posted to Mauritius for that purpose.*

*16. Director's fees payable to a non-resident director of a company.*

*17.*[2] *Any advantage in money or in money's worth received as lump sum by an employee voluntarily terminating his contract of employment in the context of a factory closure pursuant to the Cane Planters and Millers Arbitration and Control Board Act or under the Voluntary Retirement Scheme under the Sugar Industry Efficiency Act 2001.*

*18.*[(1)] *(a) That portion of the emoluments of an expatriate employee or of a specified Mauritian employee of a company holding an investment certificate in respect of specified information and communication services under the Investment Promotion (ICT Scheme) Regulations 2002 that will, in respect of an income year, reduce the tax liability of the employee otherwise arising from the emoluments derived by him from the company to 50 per cent provided that the number and the full names of the expatriate employees or specified Mauritian employees and the period of the exemption in respect of each of the employees are specified by the Board of Investment established under the Investment Promotion Act.*

*(b) For the purposes of paragraph (a), "specified Mauritian employee" has the same meaning as in item 14(b)(i).*

(1) Item 18 added by GN 124 of 2002 - 13.8.2002

***PART III - DIVIDENDS, INTEREST AND ROYALTY***

*1.*[(1)] *Dividends -*

*(a) paid by a company resident in Mauritius;*
*(b) paid by a co-operative society registered under the Co-operative Societies Act; or*
*(c) receivable from outside Mauritius by a company holding a regional development certificate.*

*2. (a) The first 100,000 rupees*[(2)] *receivable in any income year by an individual personally or as an associate in a société or as a beneficiary in the estate of a deceased person in respect of interest on -*

*(i) Government securities;*
*(ii) bills issued by the Mauritius Civil Service Mutual Aid Association Ltd; [or]*[(3)]
*(iii) fixed deposit or savings accounts in Mauritius with a bank or other institution authorised by any other enactment to accept money on fixed deposit or savings accounts and to pay interest on it in Mauritius; or*
*(iv) Bank of Mauritius Bills issued under the Bank of Mauritius Act.*[(4)]

*(b) Where, in the case of a couple, the interest receivable referred to in paragraph (a) is in the joint name of the spouses and neither spouse is a dependent spouse, the exemption under paragraph (a) shall be allowed in any proportion as may be claimed by the spouses, provided that, in the aggregate, the exemption does not exceed 200,000 rupees*[(5)].

[(1)] Item 1 amended by FA 2000. Effective as from 1.7.2000. Previously ITA 1995 as amended –

1. Dividends -
   (a) receivable by a company from another company which is liable to income tax at the rate specified in Part IV of the First Schedule;
   (b) paid by a tax incentive company;
   (c) paid by a company listed on the Stock Exchange or by a subsidiary of that company;
   (d) paid out of income derived by a company from the operations of -
      (i) a gaming house; or
      (ii) a coin-operated machine,
      pursuant to a gaming house licence or a licence to operate a coin-operated machine issued under the Gaming Act;
   (e) paid to non-resident shareholders of companies which own foreign vessels to the extent that they were paid out of income derived from the operation of the vessels;
   (f) paid by the Sugar Investment Trust;
   (g) paid by a co-operative society registered under the Co-operative Societies Act;
   (h) paid by a company licensed under the Freeport Act 1992;*(i)*
   (i) paid by a company which is liable to income tax at the rate specified in Part IV of the First Schedule to any other person;*(ii)*
   (j) receivable from outside Mauritius by a company holding a regional development certificate.*(iii)*

(i) Item 1 (h) added by FA 1996 Effective as from year of assessment 1996-97.
(ii) Item 1 (i) added by FA 1996. Effective as from year of assessment 1997-98.
(iii) Item 1 (j) added by FA 1998.

[(2)] Amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended - Rs 50,000.
Words "75,000 rupees" replaced by "100,000 rupees" by FA 2004. Effective from income year 2004-05

[(3)] Deleted by GN 31 of 2004. Effective as from 1 July 2003.

[(4)] Added by GN 31 of 2004. Effective as from 1 July 2003.

[(5)] Amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended - Rs 100,000.
Amended by FA 2004. Effective as from income year 2004-05. Previously was "150,000 rupees"

*3. Interest payable on -*

*(a) a tax reserve certificate issued under the Tax Reserve Certificates Act;*

*(b) a debenture issued under the Loans Act or a loan chargeable on the Consolidated Fund where the debenture was issued or the loan was made with the condition that the interest on it would be so exempt;*

*(c) a balance maintained in a bank holding a banking licence under the Banking Act 2004*[(1)] *by an individual who is not resident in Mauritius;*

*(d)[2] a deposit made and maintained for a continuous period of not less than 3 years by an individual in a bank holding a banking licence or in a non-bank financial institution authorised to carry on deposit-taking business in Mauritius under the Banking Act 2004;*

*(e)[3] such bonds, bearing interest at progressive or variable rate and issued by the Bank of Mauritius, as may be approved by the Minister;*

*(f)[3] call and deposit accounts held with any bank under the Banking Act 2004[4] by a corporation holding a Category 1 Global Business Licence under the Financial Services Development Act 2001;[5]*

**(1)** The words "bank holding a banking licence under the Banking Act 2004" replaced "domestic bank" by Banking Act 2004. Effective as from 10 November 2004 – Proclamation No. 39 of 2004.
Item 3(c) amended by FA 2000. Effective as from 1.7.2000. Previously ITA 1995 as amended –
(c) a balance maintained by a non-resident at any bank in Mauritius;

**(2)** Item 3(d) deleted and replaced by Banking Act 2004. Effective date 10 November 2004. Proclamation No. 39 of 2004. Previously -
(d) a deposit made and maintained for a continuous period of not less than 3 years by an individual in a domestic bank or in non-bank financial institution authorised to carry on deposit-taking business in Mauritius by the Central Bank under section 13A(2) of the Banking Act 1988;
Item 3(d) amended by GN 184 of 1998 - 11.12.98. Previously ITA 1995 as amended -
(d) a deposit made and maintained for a continuous period of not less than 3 years in a domestic bank by an individual;

**(3)** Items 3(g), 3(i) and 3(j) renumbered 3(e), 3(f) and 3(g) by GN 43 of 2000, the previous items 3(e), 3(f) and 3(h) being deleted. Effective on 31.3.2000. Previously ITA 1995 as amended –
(e) bonds issued by such statutory bodies and such bodies corporate as the Minister may prescribe;
(f) such bonds, satisfying the requirements of the Stock Exchange Act 1988 for quotation on the Official List; **[as may be approved by the Minister]**(i)
(h) debentures issued by companies -
(i) engaged in the cultivation of sugar cane or in the manufacture of sugar;
(ii) engaged in the production of firm electrical power; or
(iii) to finance such plan or scheme,
as may be approved by the Minister.

(i) The words "as may be approved by the Minister" deleted by FA 1997. Effective as from income year 1997-98.

**(4)** The words "Banking Act 1988" replaced by the words "Banking Act 2004" by FA 2005.

**(5)** Item 3(f) amended by the Financial Services Development Act 2001. Effective as from 1.8.2001 - Proclamation No. 8 of 2001. Previously FA 1997 - Income year 1997-98 –
(f) call and deposit accounts held with any domestic bank or offshore bank by a corporation certified to be engaged in international business activity by the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Act 1992;

*(g) [1] bank deposits held as guarantee by a company engaged in aircraft leasing and approved by the Minister;*

*(h) [2] the Special Savings Scheme for Public Officers administered by the Accountant-General;*

*(i) [3] a loan made to the Employees' Real Estate Investment Trust referred to in section 10A of the Employees' Welfare Fund Act.*

*4. Any interest and bonus derived from the Housing Savings Scheme of the Mauritius Housing Corporation Ltd.*

*5.[4] Interest paid to a non-resident not carrying on any business in Mauritius by a corporation holding a Category 1 Business Licence under the Financial Services Development Act 2001 or by a bank holding a banking licence under the Banking Act 2004 in so far as the interest is paid out of the gross income*

*derived from its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Development Act 2001.*

*6.*[(5)] *Royalty payable to a non-resident by a corporation holding a Category 1 Global Business Licence under the Financial Services Development Act 2001 or by a bank holding a banking licence under the Banking Act 2004 in so far as the royalty is paid out of gross income derived from its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Development Act 2001, or a trust, as the case may be.*

*7.*[(6)] *Dividends or other distributions paid by a company holding a Category 2 Global Business Licence under the Financial Services Development Act 2001 to any person.*

*8.*[(6)] *Interest paid by a company holding a Category 2 Global Business Licence under the Financial Services Development Act 2001 to a non-resident.*

[(1)] Item 3 (g) added by FA 1997. Effective as from income year 1997-98.

[(2)] Subparagraph (h) added and full stop at end of paragraph (g) replaced by a semi-colon by FA 2004. Effective as from assessment year 2004-05.

[(3)] New paragraph (i) added by FA 2004. Effective as from Assessment year 2004/05.

[(4)] Item 5 amended by Banking Act 2004. Effective date 10 November 2004. Proclamation No. 39 of 2004 - Previously –

5. Interest paid to a non-resident not carrying on any business in Mauritius by a corporation holding a Category 1 Business Licence under the Financial Services Development Act 2001 or by a bank under the Banking Act in so far as it relates to its business covered by a Category 2 Banking Licence.

Item 5 amended by GN 124 of 2002 - 13.8.2002. Previously ITA 1995 as amended -

5. Interest paid to a non-resident by a corporation of a kind approved by the Minister.

[(5)] Item 6 amended by Banking Act 2004. Effective date 10 November 2004. Proclamation No. 39 of 2004. - Previously –

6. Royalty payable to a non-resident by a corporation holding a Category 1 Global Business Licence under the Financial Services Development Act 2001 or by a bank holding a Category 2 Banking Licence[(i)] under the Banking Act 1988 or a trust, as the case may be.

[(i)] The words "Category 2 Banking Licence" replaced "Class B Banking Licence" by FA 2002.

Item 6 amended by the Financial Services Development Act 2001. Effective as from 1.8.2001 – Proclamation No. 8 of 2001. Previously - FA 1996 as amended by GN 79 of 1996 - year of assessment 1996-97-

6. Royalty payable to a non-resident.

- FA 1999 - Effective as from 1.7.1999

6. Royalty payable to a non-resident by an offshore corporation holding a certificate or licence under the Mauritius Offshore Business Activities Act 1992, the Offshore Trusts Act 1992 or the Banking Act 1988, as the case may be.

[(6)] Items 7 & 8 added by the Companies Act 2001. Effective as from 1.12.2001 - Proclamation No. 21 of 2001.

***PART IV - MISCELLANEOUS***

*1. Gains or profits derived from the sale of units or of securities [quoted on the Official List or on such Stock Exchanges or other exchanges and capital markets as may be approved by the Minister]* [(1).]

*2.*[(2)]

*3.*[(3)] *The income derived from a sugar growing unit -*

*(a) in the case of a couple, where the income is in their joint names, in respect of the first 120 tonnes of sugar accruing, provided that the exemption is allowed in the same proportion as the income is declared by the couple in their tax returns; or*

*(b) in any other case, in respect of the first 60 tonnes of sugar accruing,*

*on such conditions as may be prescribed.*

*4. Payments to a planter in respect of bagasse for uses other than the manufacture of sugar.*

*5.*[(4)]

*6.*[(4)]

*7. 50 per cent of the premium paid by the Mauritius Sugar Syndicate to millers producing such types of sugar as may be approved by the Mauritius Sugar Authority.*

*8. 50 per cent of the incremental net income obtained through an increase in output from a sugar growing unit after at least 50 per cent of the land cultivated in cane are incorporated in one or more Land Area Management Units, on such conditions as may be prescribed.*

(1) The words "quoted on the Official List or on such Stock Exchanges or other exchanges and capital markets as may be approved by the Minister" deleted by FA 2000. Effective as from 1.7.2000.

(2) Item 2 deleted by FA 2000. Effective as from 1.7.2000. Previously ITA 1995 as amended –
2. Gains or profits derived from the sale of securities by a venture capital fund.

(3) Item 3 amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended –
3. The income derived from a sugar growing unit in respect of the first 40 tonnes of sugar accruing, on such conditions as may be prescribed.

(4) Items 5 and 6 deleted by FA 2004. Effective as from Assessment year 2005/06. Previously was:

5. 75 per cent of the proceeds from the sale of bagasse by a miller to another miller for the purpose of generating firm electrical power.

6. 60 per cent of the proceeds from the sale of firm electrical power **or continuous electrical power**[(i)] generated from bagasse by a miller to the Central Electricity Board after deduction of the exemption under item 5.

(i) the words "or continuous electrical power" inserted by FA 1999. Effective as from 1.7.99.

*9. Profits derived from the cultivation of sugar cane on new lands certified by the Sugar Insurance Fund Board to have been brought under cultivation during the calendar years 1996 and 1997 for a period of 6 consecutive years as from the year following the year in which the new lands were brought under cultivation.*

*For the purposes of this item -*

*"new land" -*

*(a) means any land which at any time during the period 1 June 1991 to 31 May 1995 was not registered by a planter under the Sugar Insurance Fund Act as being sugar cane plantation; but*

*(b) does not include -*

*(i) sugar cane land between 2 sugar cane cycles; and*

*(ii) land authorised to be put under cane cultivation under section 5 of the Sugar Industry Efficiency Act 1988.*

*10. Income derived by a planter and by a person with whom the planter has entered into a management contract duly registered with the Mauritius Sugar Authority for the cultivation of sugar cane on lands owned by the planter.*

*11. Income derived by a holder of a gaming house licence under the Gaming Act from the operation of his gaming house.*

*12. Income derived by any person in the form of maintenance allowance or other benefit provided in respect of his attendance at a university, college, school or other educational institution in terms of a scholarship, bursary, exhibition or other education award.*

*13. Income which is expressly exempt from income tax by any other enactment to the extent of the exemption so provided.*

*14.*[(1)] *Value of equity shares in a start-up company received in consideration for legal, accounting, advertising and other professional services rendered in connection with the setting up of the company provided that the shares are held for a period of at least 3 years.*

*15.*[(2)] *Income derived by a company holding a Category 2 Global Business Licence under the Financial Services Development Act 2001.*

*16.*[(2)] *Rents, royalties, compensations and other amounts paid by a company holding a Category 2 Global Business Licence under the Financial Services Development Act 2001 to a non-resident.*

*17.*[(2)] *Gains or profits derived from the sale of shares, debt obligations or other securities of a company holding a Category 2 Global Business Licence under the Financial Services Development Act 2001 by a non-resident.*

[(1)] Item 14 added by FA 2000. Effective as from year of assessment 2001-02.

[(2)] Items 15, 16 & 17 added by the Companies Act 2001. Effective as from 1.12.2001 - Proclamation No. 21 of 2001.

*18.*[(1)] *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 2001 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.*[(2)] *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 2001.*

*20.*[(2)] *Gains derived by the Trust established under the Sugar Industry Efficiency Act 2001 or a body controlled by the Trust from the sale of land acquired pursuant to sections 10 and 12 of that Act.*

*21.*[(3)] *Gains derived from the sale of land converted pursuant to section 29(1)(c)(ii)(B), (e) or (f) of the Sugar Industry Efficiency Act 2001 provided that the proceeds are used exclusively for the implementation of the schemes specified in that section.*

*22.*[(4)] *(a)* [(5)] *That portion of the gross income of a company holding an investment certificate under the Investment Promotion (Regional Headquarters Scheme) Regulations 2001 that is derived from a related company incorporated outside Mauritius and not registered in Mauritius or holding a Category 1 Global Business Licence under the Financial Services Development Act 2001, provided that -*

*(i) the company derives at least 80 per cent of its gross income from those related companies; and*

*(ii) the period of exemption in respect of its gross income from those related companies shall not exceed 10 consecutive income years as from the income year in which the company starts operations.*

*(b) Notwithstanding the other provisions of this Act, any loss incurred by a company under paragraph (a) during the period of exemption of its income shall be available for deduction and carry forward under section 59.*

(1) Item 18 amended by GN 124 of 2002 - 13.8.2002. Previously Sugar Industry Efficiency Act 2001 - 17.9.2001 (Proclamation No. 15 of 2001) -

18. Gains derived by a planter 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 2001.

(2) Items 19 & 20 added by the Sugar Industry Efficiency Act 2001. Effective as from 17.9.2001 – Proclamation No. 15 of 2001.

(3) Item 21 added by GN 124 of 2002 – 13.8.2002

(4) Item 22 added by FA 2003. Effective as from year of assessment 2003/2004.

(5) Paragraph (a) replaced by FA 2004. Effective as from Assessment year 2003/04.- Previously was:

(a) That portion of the gross income of a company holding an investment certificate under the Investment Promotion (Regional Headquarters Scheme) Regulations 2001 that is derived from outside Mauritius, provided that -

(i) the company derives at least 80 per cent of its gross income from outside Mauritius; and

(ii) the period of exemption in respect of its gross income from outside Mauritius shall not exceed 10 income years as from the income year in which the company starts operations.

*23.(1) (a) Subject to paragraph (b), value of shares to the extent of 200,000 rupees received by an employee from an employees' share scheme.*

*(b) Where any of the shares referred to under paragraph (a) are disposed of, other than on death of the employee, within a period of 3 years of the date on which the shares are offered to the employee, the value of the shares so disposed of shall be deemed to be the gross income of the employee in the income year in which the disposal occurs.*

*24(1) Value of units received by an employee under the National Savings Fund Act from, or any distributions made by, the Employees' Real Estate Investment Trust referred to in section 10A of the Employees' Welfare Fund Act.*

(1)Items 23 and 24 added by FA 2004. Effective as from 17 August 2004.

967 THE FOUNDATIONS ACT 2012 – Item (1) amended , the words "charitable Foundation," inserted after the word "institution," w.e.f . 1 July 2012 - Proclamation No.30 of 2012.

968 FA 2012 –Item 14 deleted and replaced w.e.f. 22 December 2012.

14. The Mauritius Sugar Authority.

969 FA 2012 – Item 16 deleted and replaced w.e.f. 22 December 2012.

16. The Mauritius Sugar Industry Research Institute.

970 FA 2012 – Item 17 deleted w.e.f. 22 December 2012.

*17. The Mauritius Sugar Terminal Corporation.*

971 FA 2018 – Item 19. deleted shall come into operation on 1 January 2019.

*19. A company holding a Category 2 Global Business Licence under the Financial Services Act 2007.*

[972] FA 2007 - Part I amended , by adding immediately after item 20, item 21 in relation to companies shall come into operation on 1 July 2008 in respect of the year of assessment commencing 1 July 2008 and in respect of every subsequent year of assessment.

[973] GN No. 76 of 2019 – Part I of the second schedule amended, new item inserted – shall be deemed to have come into operation on 26 December 2015.

[974] FA 2018 – New item inserted w.e.f 9 August 2018.

[975] FA 2020 – Item 23 deleted w.e.f 7 August 2020.

*23. The SIC Development Co. Ltd*

FA 2019 – Part I amended, new item 23 inserted after item 22 – shall be deemed to have come into operation on 14 December 2017.

[976] FA 2020 – New item inserted w.e.f 7 August 2020.

[977] FA 2020 – New item inserted w.e.f 7 August 2020.

[978] GN No.27 of 2020 – Part I of the Second Schedule amended, new item added - shall be deemed to have come into operation on 14 July 2017.

[979] GN 286 of 2020 – Part I of the Second Schedule amended , new item inserted- shall be deemed to have come into operation on 16 November 2012.

[980] FA 2021-Part I of the Second Schedule amended, the item " Independent Support Programme (ISP) Limited" and replaced – shall be deemed to have come into operation on 5 July 2019.

GN 286 of 2020 – Part I of the Second Schedule amended , new item inserted- shall be deemed to have come into operation on 5 July 2019.

[981] FA 2022 - The Second Schedule to the Act is amended, in Sub-part A of Part II, in item 4(c), the figure "11,500" deleted and replaced by the figure "20,000", shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

GN No.46 of 2017 – The Second Schedule to the Act is amended, in Sub-part A of Part II, in item 4(c), the figure "10,200" deleted and replaced by the figure "11,500"- shall be deemed to have come into operation on 1 July 2016.

GN No.5 of 2014 – The Second Schedule to the Act is amended, in Sub-part A of Part II, in item 4(c), the figure "9,050" deleted and replaced by the figure "10,200"- shall be deemed to have come into operation on 1 January 2013.

GN 54 of 2013 - Item 4(c) amended, by deleting the words "8,480 rupees" and replacing them by the words "9,050 rupees" shall be deemed to have come into operation on 1 January 2013

GN 128/2008 - Item 4(c) amended, by deleting the words "7,375 rupees" and replacing them by the words "8,480 rupees" shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.

FA 2007 – Item 4(c) amended, by deleting the words "6,980 rupees" and replacing them by the words "7,375 rupees" shall be deemed to have come into operation on 1 July 2006 in respect of the income year commencing 1 July 2006 and in respect of every subsequent income year.

[982] FA 2024 - Item 6 amended, the figure "2.5" deleted and replaced by the figure "3" shall be deemed to have come into operation on 07 June 2024.

FA 2018 - Item 6 amended, the figure "2" deleted and replaced by the figure "2 .5" shall be deemed to have come into operation on 14 June 2018.

FA 2015 – Item 6 of Sub-part A amended, the words "one million and five hundred thousand" deleted and replaced by the words "2 million" shall come into operation on 1 July 2015.

FA 2010 – Item 6 of Sub-part A amended, the words "one million rupees" deleted and replaced by the words "one million and five hundred thousand rupees" shall come into operation as from the income year commencing 1 January 2011.

983 FA 2012 - New paragraph (e) inserted, after paragraph (d) – shall be deemed to have come into operation on 1 February 2009.

984 GN 129/2006 – Item 7 replaced w.e.f 01.07.06.
FA 2006 –
*7. Any reimbursement of medical expenses to home-based staff of overseas mission.*

985 GN 129/2006 – Item 12 added w.e.f 01.07.06.

986 FA 2023 – Item 13 repealed, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

**Previously was:**

*Any retirement pension not exceeding the income exemption threshold in respect of Category A payable to a citizen of Mauritius who is not resident in Mauritius.*

GN 129/2006 – Item 13 added w.e.f 01.07.06.

987 GN 214 of 2011 New Item 14 added – shall be deemed to have come into operation on 1 July 2008.

988 GN 3 of 2015 – Sub-Part A of Part II of the Second Schedule amended – New item 15. added shall be deemed to have come into operation on 25 September 2007.

989 GN 231 of 2016 – Sub-part A of Part II of the Second Schedule amended, New items 16 and 17 added w.e.f 5 November 2016.

990 FA 2021- Sub-part A of Part II of the Second Schedule amended, the figure ''100'' in sub-item (1) deleted and replaced by the figure "50"– shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

GN 231 of 2016 – Sub-part A of Part II of the Second Schedule amended, New items 16 and 17 added w.e.f 5 November 2016.

991 FA 2021- Sub-part A of Part II of the Second Schedule amended, the figure ''5'' in sub-item (2) deleted and replaced by the figure "10" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

992 GN 286 of 2020 – Item 18 added –shall be deemed to have come into operation in the income year commencing on 1 July 2020 and in respect of every subsequent income year.

993 GN 294 of 2021 - Sub-part A of Part II of the Second Schedule amended, new item 19 added – shall be deemed to have come into operation on 1 September 2020.

994 FA 2024 – New item 20 inserted in Part II of the Second Schedule, shall be deemed to have come into operation on 01 January 2024.

995 GN 128 of 2018 – item 2 deleted shall come into operation on 1 January 2019.

*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.*

FA 2011 – Item 2 of Sub-part B of Part II of the following Second Schedule, deleted and replaced - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

*2. Dividends or other distributions paid by a company holding a Category 2 Global Business Licence under the Financial Services Act 2007.*

996 GN 128 of 2018 – Sub-item (b) deleted shall come into operation on 1 January 2019.

(b) *call and deposit accounts held with any bank under the Banking Act 2004 by a corporation holding a Global Business Licence under the Financial Services Act 2007;*

FA 2018 – Item 3 amended , the words "Category 1" deleted - shall come into operation on 1 January 2019.

997 FA 2010 –Item 3 of Sub-part B amended, paragraph (c) and paragraph (d ) added, after paragraph (b) shall be deemed to have come into operation on 1 January 2010.

998 FA 2018 – Sub-item (d) amended, the words "and sukuks" inserted after the word "debentures" w.e.f 9 August 2018.

FA 2012 –Paragraph (d) of item 3 of Sub-Part B amended the words ", debentures quoted on the stock exchange" , inserted, after the words "Government Securities" w.e.f. 22 December 2012.

999 FA 2018 – Sub-item (e) amended, the words "and sukuks" inserted after the word "bonds" w.e.f 9 August 2018.

FA 2015 – Item 3 of Sub-part B amended, new paragraph (e) added, the full stop at the end of paragraph (d) being deleted and replaced by a semicolon - shall come into operation in respect of the year of assessment commencing on 1 July 2015 and in respect of every subsequent year of assessment.

1000 FA 2023 – Item 3A repealed and replaced, w.e.f 20 July 2023.

**Previously was:**

*Interest derived by individuals and companies from debentures, bonds or sukuks issued by a company to finance renewable energy projects, the issue of which has been approved by the Director-General on such terms and conditions as he may determine.*

FA 2018 – Item 3A amended, the words "or bonds" deleted and replaced by the words ", bonds or sukuks" w.e.f 9 August 2018.

FA 2017 –New item 3A inserted after item 3 shall be deemed to have come into operation on 1 July 2017.

1001 FA 2024 – New item 3B inserted, w.e.f 27 July 2024.

1002 FA 2010 –Item 4 deleted and replaced shall come into operation as from the year of assessment 2012.

*4. Interest paid to a non-resident not carrying on any business in Mauritius by a corporation holding a Category 1 Global Business Licence under the Financial Services Act 2007 or by a bank holding a banking licence under the Banking Act 2004 in so far as the interest is paid out of gross income derived from its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act 2007.*

1003 GN 128 of 2018 – Item 5 deleted and replaced shall come into operation on 1 January 2019.

*Royalty payable to a non-resident –*

*(a) by a corporation holding a Global Business Licence under the Financial Services Act out of its foreign source income;*

*(b) by a bank holding a banking licence under the Banking Act insofar as the royalty is paid out of gross income derived from its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act; or*

*(c) by a trust.*

FA 2010 –Item 5 deleted and replaced shall come into operation as from the year of assessment 2012.

*5. Royalty payable to a non-resident by a corporation holding a Category 1 Global Business Licence under the Financial Services Act 2007 or by a bank holding a banking licence under the Banking Act 2004 in so far as the royalty is paid out of gross income derived from its banking transactions with non-residents and corporations holding a Global Business Licence under the Financial Services Act 2007or a trust, as the case may be.*

**1004** FA 2018 – New items 6. And 7. Added shall come into operation on 1 January 2019.

**1005** FA 2023 – Item 7(a) amended, by deleting the words "sub-item (b)" and replacing them by the words "sub-items (aa) and (b)", shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

**1006** GN 295 of 2020 – Sub-Part B amended, ~~Item 7(a)(i) added - shall be deemed to have come into operation on 1 January 2019.~~ By deleting item 7(1) and replacing it by new item 7(a) – Item 7(a)(i) and (iii) to (vii) shall be deemed to have come into operation on 1 January 2019 and Item 7(a)(ii) shall come into operation in respect of year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

Was previously:

*7. (1) Subject to sub-item (b), 80 per cent of interest derived by a company other than –*

*(a) a bank referred to in section 44C;*

*(b) a non-bank deposit taking institution;*

*(c) a money changer;*

*(e) a foreign exchange dealer;*

*(f) an insurance company;*

*(g) a leasing company; or*

*(h) a company providing factoring, hire purchase facilities, or credit sales facilities.*

~~*1007 GN 295 of 2020 – Sub-Part B amended, Item 7(a)(ii) added - shall come into operation in respect of year of assessment commencing on* 1 July 2021 and in respect of every subsequent year of assessment.~~

~~**1008** GN 295 of 2020 – Sub-Part B amended, Item 7(a)(iii) added - shall be deemed to have come into operation on 1 January 2019.~~

[1009] ~~GN 295 of 2020 – Sub Part B amended, Item 7(a)(vii) added shall be deemed to have come into operation on 1 January 2019.~~

GN 286 of 2020 – Sub –Part B amended, item 7(a) deleted and replaced by new Item 7(1)– W.e.f 1 January 2019 in respect of item 7(a)(i),(iii), (iv), (v), (vi) and (vii) while item 7(a)(ii) shall come into operation in respect of year of assessment commencing on 1 July 2021 and in respect of every subsequent year of assessment.

7. (a) Subject to sub-item (b), 80 per cent of interest derived by a company other than a bank referred to in section 44C.

FA 2018 – New items 6. And 7. Added shall come into operation on 1 January 2019.

[1010] FA 2023 – New Item 7(aa) inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

[1011] FA 2023 – Item 7(b) amended, by inserting, after the words "sub-item (a)", the words "or (aa)", shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

GN 128 of 2018 – Item 7(b) amended, the words "in respect of interest derived from overseas" deleted shall come into operation on 1 January 2019.

[1012] FA 2019 – Sub-part B amended, new item 9 added – shall be deemed to have come into operation on 1 July 2019.

[1013] Gn No 27 of 2020 – Sub-part B amended, new item 10 added – made by the Minister on 14 January 2020.

[1014] FA 2010 – Sub-part C amended, items 1, 2 and 3 deleted shall come into operation as from the year of assessment 2012.

1. *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 2001 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.*

[1015] FA 2010 – Sub-part C amended, items 1, 2 and 3 deleted shall come into operation as from the year of assessment 2012.

2. *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 2001.*

[1016] FA 2010 – Sub-part C amended, items 1, 2 and 3 deleted shall come into operation as from the year of assessment 2012.

*3.* *Gains derived from the sale of land converted pursuant to section 29(1)(c)(ii)(B), (e) or (f) of the Sugar Industry Efficiency Act 2001 provided that the proceeds are used exclusively for the implementation of the schemes specified in that section.*

[1017] FA 2011 – Item 5 of Sub-Part C of The Second Schedule deleted - shall be deemed to have come into operation on 1 October 2011.

Gambling Regulatory Authority Act 2007 - The Second Schedule is amended in Part II, in Sub-Part C, by deleting item 5 and replacing it by the following item –

*5.* *Income derived by a casino operator, a gaming house operator or a gaming machine operator under the Gambling Regulatory Authority Act 2007 from the operation of his casino, gaming house or gaming machine, as the case may be.*

FA 2006 :-
Income derived by a holder of a gaming house licence under the Gaming Act from the operation of his gaming house.

[1018] FA 2018 – Item 6 amended, the words “a company holding a Category 2 Global Business Licence” deleted shall come into operation on 1 January 2019.

FA 2012 – Item 6 of Sub-Part C amended, the words “or a special purpose fund established”; inserted, after the word “Licence” - w.e.f. 22 December 2012.

[1019] GN 128 of 2018 – Item 7 deleted and replaced shall come into operation on 1 January 2019.

*7. Gains or profits derived from the sale of units or of securities by a company holding a Global Business Licence under the Financial Services Act 2007.*

[1020] GN 128 of 2018 – Item 7A deleted shall come into operation on 1 January 2019.

*7A. Gains or profits derived from the sale of gold, silver or platinum, held for a continuous period of at least 6 months, by a company holding a Global Business Licence under the Financial Services Act.*

FA 2018 – Items 7, 7A and 7B amended , the words “Category 1” deleted - shall come into operation on 1 January 2019;

GN 3 of 2015 – Sub-Part C of Part II of the Second Schedule amended – New item 7A., 7B. and 7C. inserted - w.e.f 24 January 2015.

[1021] GN 128 of 2018 – Item 7B deleted and replaced shall come into operation on 1 January 2019.

*7B. Gains or profits derived from the sale of units, securities, gold, silver or platinum, held for a continuous period of at least 6 months, by a person other than a company holding a Global Business Licence under the Financial Services Act.*

FA 2018 – Items 7, 7A and 7B amended , the words “Category 1” deleted - shall come into operation on 1 January 2019;

GN 3 of 2015 – Sub-Part C of Part II of the Second Schedule amended – New item 7A., 7B. and 7C. inserted - w.e.f 24 January 2015.

[1022] GN 28 of 2016 – Item 7C of Sub-Part C of Part II of the Second Schedule amended –the words "paragraph (c) under Category D of item 3" deleted and replaced by the words "item 3(n)" w.e.f 27 February 2016

GN 3 of 2015 – Sub-Part C of Part II of the Second Schedule amended – New item 7A., 7B. and 7C. inserted - w.e.f 24 January 2015.

[1023] GN 128 of 2018 – Item 8 deleted shall come into operation on 1 January 2019.

*8. Gains or profits derived from the sale of shares, debt obligations or other securities of a company holding a Global Business Licence under the Financial Services Act 2007 by a non-resident.*

FA 2018 – Item 8 amended , the words “Category 1 Global Business Licence or Category 2” deleted - shall come into operation on 1 January 2019.

GN 129/2006 – Item 8 amended by inserting immediately after the words “a company holding a ”, the words “ Category 1 Global Business Licence or ” w.e.f 01.07.06.

FA 2006 – Item 8 reads :
*Gains or profits derived from the sale of shares, debt obligations or other securities of a company holding a Category 2 Global Business Licence under the Financial Services Development Act 2001 by a non-resident.*

1024 FA 2013 – Item 9 of Sub-Part C of Part II of the Second Schedule amended, the words ", including any income derived from the chartering of such vessel" added – w.e.f 21 December 2013.

1025 GN No. 156 of 2014 – New Item 10A inserted after Item 10 w.e.f 9 August 2014.

1026 FA 2021- Sub-part C amended, item 10B deleted – w.e.f 05 August 2021.

10B.*The income derived by a company from bunkering of low Sulphur Heavy Fuel Oil for a period of 4 succeeding years starting from the income year ending 30 June 2019 or for a company set up after 1 July 2019, 4 succeeding years as from the income year in which that company starts its operations.*

FA 2019 – New Item 10B inserted after Item 10A – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

1027 SME Act 2017 – Sub-Part C of Part II of the Second Schedule amended – In item 11, in paragraph (a), by deleting the words "under the Small and Medium Enterprises Development Authority Act" and replacing them by the words "registered under the repealed Small and Medium Enterprises Development Authority Act or the Small and Medium Enterprises Act 2017" w.e.f 18 January 2018.

1028 GN No. 22 of 2011- Item 11 amended paragraph (a) deleted and replaced w.e.f. 29.01.2010.

(a) Income derived by a small enterprise or handicraft enterprise under the Small Enterprises and Handicraft Development Authority Act 2005 provided that -

(i) the enterprise operated by the person, other than a company, is converted into a company on or after 10 June 2006; or

(ii) the enterprise is operated by a company incorporated on or after 10 June 2006; and

(iii) the period of exemption of the income of the company does not exceed 4 succeeding income years as from the income year the company starts its operation.

GN 129/2006 – Item 11(a) (iii) amended by deleting the words "4 income years" and replacing them by the words "4 succeeding income years" w.e.f 01.07.06

1029 FA 2018 – Items 11(b), 11A(b) and 13 (c) deleted shall come into operation on 1 January 2019.

*11(b) Notwithstanding the other provisions of this Act, any loss incurred by a company under paragraph (a) during the period of exemption of its income shall be available for deduction and carry forward under section 59.*

1030 SME Act 2017- Item 11A amended, the words "Small and Medium Enterprises Development Authority Act deleted wherever they appear and replaced by the words " repealed Small and Medium Enterprises Development Authority Act" – w.e.f 18 January 2018.

FA 2018 – Items 11(b), 11A(b) and 13 (c) deleted shall come into operation on 1 January 2019.

*11A(b) Notwithstanding this Act, any loss incurred by a small enterprise under paragraph (a) during the period of exemption of its income shall be available for deduction and carry forward under sections 20 and 59.*

FA 2016 - New item 11A inserted after item 11 shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

1031 FA 2007 - Item 12 repealed , shall be deemed to have come into operation on 1 July 2007 in respect of the income year commencing 1 July 2007 and in respect of every subsequent income year.

*12. Income derived from outside Mauritius by a non-citizen who is resident in Mauritius.*

1032 FA 2021- Sub-part C amended, item 13(a) deleted –w.e.f 05 August 2021.

*13. (a) Income derived by a company registered with the Economic Development Board, as a company engaged in the provision of health services, provided that the period of exemption of the income of the company does not exceed 5 succeeding income years as from the income year the company starts its operation.*

Economic Development Board Act 2017- Sub- part C of Part II of the Second Schedule amended – In item 13(a), by deleting the words "Board of Investment established under the Investment Promotion Act" and replacing them by the words "Economic Development Board" –w.e.f 07 August 2017.

1033 FA 2018 – Items 11(b), 11A(b) and 13 (c) deleted shall come into operation on 1 January 2019.

*13(b) Notwithstanding the other provisions of this Act, any loss incurred by a company under paragraph (a) during the period of exemption of its income shall be available for deduction and carry forward under section 59.*

GN 129/2006 – New Item 13 inserted immediately after item 12, the existing item 13 being renumbered 14 accordingly w.e.f 01.07.06.

1034 FA 2007 – Sub–Part C of Part II of the Second Schedule amended by adding immediately after item 13, the following new item 14, the existing item 14 being renumbered 15 accordingly - shall be deemed to have come into operation on 1 July 2007 in respect of the income year commencing 1 July 2007 and in respect of every subsequent income year.

1035 **Income expressely exempt from Income Tax by virtue of the relevant Act:***

1 The Employees Welfare Fund
2 The Edgar Laurent Tuberculosis Foundation
3 The Mohunlall Mohith Foundation
4 The Soomunth Balgobin & Maya Luchman Balgobin Trust
5 The Cheong Shu Li Kwan Society
6 The Mauritius Ports Authority
7 The Farmers Service Corporation
8 The Industrial and Vocational Training Board
9 The Central Electricity Board
10 The Sugar Industry Labour Welfare Fund
11 The Mauritius Sugar Producers Association
12 The Agricultural Products Export Promotion Authority
13 The Amédée Maingard de la Ville-Es-Offrans Foundation
14 The Cheshire Foundation Homes For The Sick
15 The Comité National Mauricien De L'Organisation Mondiale pour L'Education Prescolaire
16 The Construction Industry Development Board

17 The Divine Life Society (Mauritius)
18 The Employees Superannuation Fund
19 The Export Processing Zones Development Authority
20 The Export Processing Zones Labour Welfare Fund
21 The Fishermen welfare Fund
22 The Gahlot Rajput Foundation
23 The Gandhi Ashram Khadi Vidyalaya Institute
24 The Hindu Maha Jana Sangham
25 The Ilois Welfare Fund
26 The Loïs Lagesse Trust Fund
27 The Louis Espitalier-Noel Foundation
28 The Mahatma Gandhi Institute
29 The Mauritius Broadcasting Corporation
30 The Mauritius College of the Air
31 The Mauritius Commercial Bank Foundation
32 The Mauritius Co-operative Institute
33 The Mauritius Council of Social Service
34 The Mauritius Export Development and Investment Authority
35 The Mauritius Film Development Corporation
36 The Mauritius Girls Guides Association
37 The Mauritius Institute of Health
38 The Mauritius Mental Health Association
39 The Mauritius Oceanography Institute
40 The Mauritius Red Cross Society
41 The Mauritius Research Council
42 The Mauritius Scouts Association
43 The Mauritius Standards Bureau
44 The Mauritius Sugar Industry Research Institute
45 The Mauritius Tourism Promotion Authority
46 The Murugan Foundation
47 The National Adoption Council
48 The National Agency For The Treatment And Rehabilitation Of Substance Abusers
49 The National Art Gallery
50 The National Computer Board
51 The National Eclof Committee
52 The National Handicraft Promotion Agency
53 The National Heritage Trust Fund
54 The National Library
55 The National Solidarity Fund
56 The National Trust Fund For Community Health

57 The Nunkeesor Saddul Foundation

58 The Outer Islands Development Corporation

59 The Prajapita Brahma Kumaris World Spiritual University Trust (Mauritius Branch)

60 The Rabita-Al-Alam-Al-Islami (Mauritius Branch)

61 The ST John Ambulance

62 The Sir Seewoosagur Ramgoolam Botanical Garden Trust

63 The Sir Seewoosagur Ramgoolam Foundation

64 The Society For The Welfare Of The Deaf

65 The State Of Jersey – Mauritius Foundation

66 The Statutory Bodies Family Protection Fund

67 The Sugar Cane Planters Trust

68 The Sugar Industry Pension Fund

69 The Sugar Planters Mechanical Pool Corporation

70 The Tea Industry Control Board

71 The Tertiary Education Commission

72 The Trade Union Trust Fund

73 The Women's Self Help Association and

74 The African Reinsurance Corporation - Order made by the Minister under section 19 of The International Organisations and Conferences (Privileges and Immunities) Act, 1978, as contained in the Government Notice No. 106 of 1979.

75 The International Federation of Red Cross and Red Crescent Societies - Order made by the Minister under section 19 of The International Organisations and Conferences (Privileges and Immunities) Act, 1978, as contained in the Government Notice No. 226 of 2006.

76 The income of the Employees' Real Estate Investment Trust and the value of any unit received by an employee under the National Savings Fund Act from, or any distributions made by, the Employees' Real Estate Investment Trust.

77 The Early Childhood Care and Education Authority

78 The Investment Promotion (Smart City Scheme) Regulations 2015 - the income derived by:

i. a smart city company;
ii. a smart city developer; and
iii. a Special Purpose Vehicle (SPV) or a Smart City Management Company.

*** Please note that the above list is not exhaustive.**

[1036] FA 2017 – Item 16 amended the words "whose members are" inserted after the word "society" shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

FA 2010 – In Sub-part C items 16 to 23 added, shall come into operation as from the year of assessment 2012.

[1037] GN 231 of 2016 – Sub-part C of Part II of the Second Schedule amended, New items 16A added w.e.f 5 November 2016.

[1038] FA 2011 – Items18 deleted and replaced shall be deemed to have come into operation on 5 November 2011.

*18. Gains derived by a company from the sale or transfer of an immovable property between companies within the same group.*

[1039] FA 2011 – Items19 deleted and replaced shall be deemed to have come into operation on 5 November 2011.

*19. Gains derived by a company from the sale or transfer of an immovable property upon production to the Director-General of a certificate from the ERCP Committee under the Economic Restructuring and Competitiveness Package referred to in the Ministry's document entitled 'Facing The Euro Zone Crisis and Restructuring for Long Term Resilience' and dated August 2010 and published as a General Notice in the Gazette of Thursday 9 December 2010, certifying that the transfer is made under the Package.*

[1040] FA 2011 – Items 20 deleted and replaced shall be deemed to have come into operation on 5 November 2011.

*20. Gains derived by a bank under the Banking Act from the sale or transfer of an immovable property to a person pursuant to an arrangement entered into between the bank and the person whereby the bank initially purchased the immovable property with a view to selling or transferring the same to that person.*

[1041] FA 2011 –Items 21 to 24 deleted - shall be deemed to have come into operation on 5 November 2011.

*21. Gains derived by the heirs of a deceased person upon the transfer between the heirs of an immovable property acquired by inheritance, or from other heirs, of undivided rights of the immovable property, from that person, provided that the transfer is made within 5 years of the date of death of the person.*

*22. Gains derived from the sale or transfer of an immovable property from an ascendant to a descendant.*

*23. Gains derived from the sale or transfer of an immovable property or any interest in an immovable property by –*

*(a) an individual;*

*(b) an associate in a société, in respect of his share in that immovable property; or*

*(c) an heir of a deceased person, in respect of his undivided rights in that immovable property when sold or transferred to a person who is not an heir of the deceased person,*

*provided that –*

*(i) the sale or transfer is the first one made after 31 December 2010 by the seller or transferor; and*

*(ii) the proceeds from the sale or transfer do not exceed 5 million rupees.*

*24. Gains derived by a resident from the sale or transfer of an immovable property, or any interest in an immovable property, situated outside Mauritius.*

GN No. 22 of 2011- New Item 24 added after Item 23 w.e.f. 1 January 2011.

[1042] FA 2015 – Sub-part C amended, New items 25, 26 and 27 added w.e.f. 14 May 2015.

[1043] FA 2017 – New item 25A inserted after Item 25 shall come into operation in respect of the year of assessment commencing on 1 July 2017 and in respect of every subsequent year of assessment.

[1044] Economic Development Board Act 2017- Sub-Part C of Part II of the Second Schedule amended – In Item 27, by deleting the words "Investment Promotion Act" and replacing them by the words "Economic Development Board Act 2017" –w.e.f 07 August 2017.

FA 2017 –The existing provision being lettered as sub-item (a) and in the newly lettered sub-item (a), the word "Income" deleted and replaced by the words "Subject to sub-item (b), income" shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

[1045] FA 2017 – New sub-item (b) added shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

[1046] FA 2024 – item 28(a) amended, by deleting the words "from the coming into operation of the Act or such other period as may be prescribed" and replacing them by the words "starting from the income year in which the company starts its operation", w.e.f 27 July 2024.

Act No.32 of 2015, Captive Insurance Act – New item 28 added w.e.f 29 January 2016 (Proclamation No.6 of 2016).

[1047] FA 2018 – Item 28 amended, new sub-item (a) added, the existing provision being lettered as sub-item (a) shall come into operation on 1 January 2019.

[1048] GN 231 of 2016 – Sub-part C of Part II of the Second Schedule amended, New items 29 to 32 added w.e.f 5 November 2016.

[1049] FA 2018 – Item 30 (1) amended, sub-item (c) deleted w.e.f 9 August 2018.

*(c) an Investment Banking Licence*

**1050** FA 2021- Paragragh (d) repealed – shall come into operation in respect of the year of assessement commencing on 1 July 2022 and in respect of every subsequent year of assessment.

*(d) [an Family Office (Single) Licence; or]*

GN 286 of 2020 – Item 30 amended, the word "Overseas" deleted wherever it appears –w.e.f 28 November 2020.

**1051** FA 2021- Paragragh (e) repealed – shall come into operation in respect of the year of assessement commencing on 1 July 2022 and in respect of every subsequent year of assessment.

*(e) [an Family Office (Multiple) Licence,*

GN 286 of 2020 - Item 30 amended, the word "Overseas" deleted wherever it appears –w.e.f 28 November 2020.

[1052] FA 2021- Sub-part C amended, new item 30A inserted after item 30 - shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

[1053] Economic Development Board Act 2017- Sub-part C of Part II of the Second Schedule amended- In item 31(1), by deleting the words "Board of Investment" wherever they appear and replacing them by the words "Economic Development Board w.e.f 07 August 2017.

[1054] Economic Development Board Act 2017- Sub-part C of Part II of the Second Schedule amended- In item 31(1), by deleting the words "Board of Investment" wherever they appear and replacing them by the words "Economic Development Board w.e.f 07 August 2017.

[1055] FA 2021- Sub-part C amended, item 32 deleted-w.e.f 05 August 2021.

*32. Income derived from fishing activities by an industrial fishing company incorporated on or after 1 September 2016 and approved by the Economic Development Board, for a period of 8 years starting as from the income year in which the company starts its operation.*

Economic Development Board Act 2017- Sub-part C of Part II of the Second Schedule amended - In item 32, by deleting the words "Board of Investment" and replacing them by the words "Economic Development Board"w.e.f 07 August 2017.

[1056] The Sport Act 2016 – New item 33 added w.e.f. 11 January 2017 - Proclamation No. 1 of 2017.

[1057] FA 2019 –Item 34(a) of Sub-part C of Part II of the Second Schedule amended, the words "or income derived by a company from intellectual property assets which are developed in Mauritius on or after 10 June 2019" –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

FA 2017 – New items 34, 35 and 36 added w.e.f 24 July 2017 .

[1058] GN No.107 of 2019 – Item 34(b) of Sub-part C of Part II of the Second Schedule amended, the words "innovation-driven activities" deleted and replaced by the words "innovation-driven activities and shall be granted provided that the company satisfies such conditions as may be prescribed" – w.e.f 11 June 2019.

[1059] FA 2021-Sub-part C amended, item 35 deleted-w.e.f 05 August 2021.

*35. Income derived from the manufacture of pharmaceutical products, medical devices and high-tech products by a company which has started its operations on or after 8 June 2017, for a period of 8 income years starting from the income year in which the company starts its operations.*

FA 2020 – Item 35 of Sub-part C of Part II of the Second Schedule amended, the word "incorporated" deleted and replaced by the words "which has started its operations on or" w.e.f 7 August 2020.

[1060] GN 22 of 2018 – Item 36 amended, the words *"8 income years"* deleted and replaced by the words ,"8 income years starting from the income year in which the company starts its operations" shall be deemed to have come into operation on 1 January 2018.

[1061] FA 2021-Sub-part C amended, item 37 deleted-w.e.f 05 August 2021.

*37. Income derived from food processing activities by a company incorporated under the Companies Act on or after 8 June 2017 and holding a registration certificate issued by the Economic Development Board to operate a food processing plant, for a period of 8 income years starting as from the income year in which the company starts its operations.*

GN 22 of 2018 – New Item 37 added shall be deemed to have come into operation on 1 January 2018.

[1062] FA 2018 – New item 38 added w.e.f 9 August 2018.

[1063] FA 2018 – New item 39 added w.e.f 9 August 2018.

[1064] FA 2018 – New item 40 added shall come into operation on 1 January 2019.

[1065] FA 2023 – Item 41(a) repealed and replaced, shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

**Previously was:**

*Subject to sub-item (b), 80 per cent of income derived by a collective investment scheme (CIS), closed end fund, CIS manager, CIS administrator, investment adviser, investment dealer or asset manager, as the*

*case may be, licensed or approved by the Financial Services Commission established under the Financial Services Act.*

FA 2021- Item 41(a) amended, the words ", investment dealer"; inserted after the words "investment adviser"- shall be deemed to have come into operation on 1 July 2021.

FA 2018 – New item 41 added shall come into operation on 1 January 2019.

1066 FA 2024 – Item 41(aa) amended, by deleting the words "or approved", w.e.f 27 July 2024.

FA 2023 – New Item 41(aa) inserted, shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

1067 FA 2023 – Item 41(b) amended, by deleting the words "sub-item (a)" and replacing them by the words "sub-items (a) and (aa)", shall come into operation in respect of the year of assessment commencing on 1 July 2024 and in respect of every subsequent year of assessment.

FA 2019 – Item 41 (b) amended, the words "required by the Financial Services Commission established under the Financial Services Act" deleted and replaced by the words "may be prescribed" – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

GN 128 of 2018 – Item 41(b) amended, the words "in respect of income derived from overseas by a collective investment scheme, closed end fund, CIS manager, CIS administrator, investment adviser or asset manager, as the case may be," deleted shall come into operation on 1 January 2019.

1068 FA 2021- Item 42(a) amended, the words "ship and aircraft leasing" deleted and replaced- shall come into operation in respect of the year of assessment commencing on 1 July 2022 and in respect of every subsequent year of assessment.

FA 2018 – New item 42 added shall come into operation on 1 January 2019.

1069 GN 128 of 2018 –Item 42(b) amended, the words "in respect of income derived from overseas by a company engaged in ship and aircraft leasing" deleted shall come into operation on 1 January 2019.

1070 FA 2021- Sub-part C amended, item 43 deleted-w.e.f 05 August 2021.

*43. Income derived by a company registered with the Economic Development Board and engaged in the manufacturing of automotive parts during 8 successive income years as from the income year in which the company starts the activity.*

FA 2018 – New item 43 added w.e.f 9 August 2018.

1071 GN No. 232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 44 deleted – w.e.f 3 October 2020.

*Previously was:*

*44. (a) Subject to sub-item (b), 80 per cent of income derived by a company from reinsurance and reinsurance brokering activities.*

*(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.*

FA 2019 – New item 44 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

1072 GN No. 97 of 2019- Sub-Part C of Part II of the Second Schedule amended, new item added – shall be deemed to have come into operation on 1 January 2016.

[1073] GN No. 232 of 2020 – Sub-Part C of Part II of the Second Schedule amended, item 45 deleted –w.e.f 3 October 2020.

*Previously was:*

*45. (a) Subject to sub-item (b), 80 per cent of income derived by a company from leasing and provision of international fibre capacity.*

*(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.*

FA 2019 – New item 45 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[1074] GN No. 27 of 2020 – Sub-part C of Part II of the second schedule amended, new item 45A added –made by the Minister on 14 January 2020.

[1075] GN No. 232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 46 added –shall be deemed to have come into operation on 1 July 2020.

GN No.232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 46 deleted –w.e.f 3 October 2020.

*Previously was:*

*46. (a) Subject to sub-item (b), 80 per cent of income derived by a company from the sale, financing arrangement, asset management of aircraft and its spare parts and aviation advisory services related thereto.*

*(b) The exemption under sub-item (a) shall be granted provided the company satisfies such conditions as may be prescribed relating to the substance of its activities.*

FA 2019 – New item 46 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[1076] GN No.232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 47 added – shall be deemed to have come into operation on 1 July 2020.

GN No. 232 of 2020 - Sub-part C of Part II of the Second Schedule amended, item 47 deleted –w.e.f 3 October 2020.

*Previously was:*

*47. (a) Subject to sub-item (b), income derived by a company set up on or before 30 June 2025 and issued with an e-Commerce certificate by the Economic Development Board provided that –*

*(i) the income is derived from the operation of the e-Commerce platform; and*

*(ii) the company satisfies such conditions as may be prescribed relating to the substance of its activities.*

*(b) The exemption under sub-item (a) shall be for a period of 5 succeeding income years as from the income year in which the activities referred to in sub-item (a) started.*

FA 2019 – New item 47 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[1077] GN No.232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 48 added –shall be deemed to have come into operation on 1 July 2020.

GN No. 232 of 2020 - Sub-part C of Part II of the Second Schedule amended, item 48 deleted –w.e.f 3 October 2020.

*Previously was:*

*48. (a) Subject to sub-item (b), income derived by a person from the operation of a Peer to- Peer Lending platform, operated under a licence issued by the Financial Services Commission under the Financial Services Act, provided that –*

*(i) the person has started its operations prior to 31 December 2020;*

*(ii) the income is derived from the activities covered under that licence; and*

*(iii) the person satisfies the conditions relating to the substance of its activities, as specified by the Financial Services Commission established under the Financial Services Act.*

*(b) The exemption under this item shall be for a period of 5 succeeding income years as from the income year inwhich the person started its operations.*

FA 2019 – New item 48 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[1078] GN No. 232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 49 added – shall be deemed to have come into operation on 1 July 2020.

GN No. 232 of 2020 - Sub-part C of Part II of the Second Schedule amended, item 49 deleted – w.e.f 3 October 2020.

*Previously was:*

*49. Income derived by a company set-up on or after 10 June 2019 and engaged in the development of a marina for a period of 8 income years starting from the income year in which the company starts its operation.*

FA 2019 – New item 49 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[1079] GN 286 of 2020 - Sub-part C of Part II of the Second Schedule amended, in item 50, in sub-item (a)(i), by deleting the words "31 December 2020" and replacing them by the words "31 December 2021", w.e.f 28 November 2020.

GN No.232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 50 added – shall be deemed to have come into operation on 1 July 2020.

GN No.232 of 2020 – Sub-part C of Part II of the Second Schedule amended, item 50 deleted – w.e.f 3 October 2020.

*Previously was :*

50. The first 50,000 rupees of the amount receivable by an individual in an income year from a REIT.

FA 2019 – New item 50 added –shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.

[1080] FA 2021-Sub-part C amended, item 51 deleted –w.e.f 05 August 2021.

*51. Income derived by a company set-up on or after 10 June 2019 and engaged in the development of a marina for a period of 8 income years starting from the income year in which the company starts its operation.*

GN No. 232 of 2020 – New item 51 added – shall be deemed to have come into operation on 1 July 2020.

[1081] GN No. 232 of 2020 – New item 52 added – shall be deemed to have come into operation on 1 July 2020.

[1082] FA 2021-Sub-part C amended, item 53 deleted –w.e.f 05 August 2021.

*53. Income derived from inland aquaculture in Mauritius, by a company which has started its operations on or after 4 June 2020, for a period of 8 successive income years starting from the income year in which the company has started its operations.*

GN No. 232 of 2020 – New Item 53 added – shall be deemed to have come into operation on 7 August 2020.

[1083] FA 2021- Sub-part C amended, item 54 deleted- w.e.f 05 August 2021.

*54. Income derived by a company which has started its operations in Mauritius on or after 4 June 2020 and approved by the Higher Education Commission as being a branch campus of an institution which ranks among the first 500 tertiary institutions worldwide whose ranking at the time of registration, for a period of 8 successive income years starting from the income year in which the institution has started its operations.*

GN No. 232 of 2020 – New item 54 added – shall be deemed to have come into operation on 7 August 2020.

[1084] FA 2021- Sub-part C amended, item 55 deleted- w.e.f 05 August 2021.

*55. Income derived from the manufacturing of nutraceutical products by a company which has started its operations on or after 4 June 2020 for a period of 8 successive income years starting from the income year in which the company has started its operations.*

GN No. 232 of 2020 – New item 55 added, shall be deemed to have come into operation on 7 August 2020.

[1085] FA 2021- New item 56 added, w.e.f 05 August 2021.

[1086] FA 2022 - New item 57 added, shall come into operation in respect of the year of assessment commencing on 1 July 2023 and in respect of every subsequent year of assessment.

[1087] FA 2022 - New item 58 added, shall come into operation in respect of the year of assessment commencing on 1 July 2023 and in respect of every subsequent year of assessment.

[1088] FA 2022 - New item 59 added, shall come into operation in respect of the year of assessment commencing on 1 July 2023 and in respect of every subsequent year of assessment.

[1089] FA 2024 – New paragraph 59(aa) inserted after paragraph 59(a), w.e.f 27 July 2024.

[1090] FA 2024 – Item 60 amended, by deleting the words “Social contribution income” and “Sub-part IIIB” and replacing them by the words “Any” and “Sub-part IIIB, IIIBA, IIIBB, IIIC, IIICA, IIICB, IIID or IIIE” respectively, w.e.f 27 July 2024.

FA 2022 - New item 60 added, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022.

[1091] FA 2024 – New item 61 added, shall come into operation in respect of the year of assessment commencing on 01 July 2025 and in respect of every subsequent year of assessment.

[1092] FA 2024 – New item 62 added, shall come into operation in respect of the year of assessment commencing on 01 July 2025 and in respect of every subsequent year of assessment.

[1093] FA 2023 – Part I of the Third Schedule repealed and replaced, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

*ITA 1995:*

***Part I - Income Exemption Threshold ****

| ***Individual*** | | ***(Rs)*** |
|---|---|---|
| *Category A* | … … … … … | *325,000* |
| *Category B* | … … … … … | *435,000* |
| *Category C* | … … … … … | *515,000* |
| *Category D* | … … … … … | *600,000* |
| *Category E* | … … … … … | *680,000* |

*1. In this Schedule –*

*(a) Category A refers to an individual who, in an income year, does not have any dependent;*

*(b) Category B refers to an individual who, in an income year, has one dependent only;*

*(c) Category C refers to an individual who, in an income year, has 2 dependents only;*

*(d) Category D refers to an individual who, in an income year, has 3 dependents only;*

*(e) Category E refers to an individual who, in an income year, has 4 or more dependents;*

*(f) Repealed*

*(g) Repealed*

*(h) Repealed*

*(i) Repealed* [1093]*

*2.* [1093]* *Where a dependent under Category B, C, D or E is a child pursuing a non- sponsored full-time undergraduate or postgraduate course at a –*

*(a) tertiary educational institution recognised by the Tertiary Education Commission established under the Tertiary Education Commission Act; or*

*(b) recognised tertiary educational institution, outside Mauritius;*

*the person shall, in addition to the income exemption threshold he is entitled to, be eligible to an additional exemption of 500,000 rupees.*

*3. No exemption under paragraph 2 shall be allowed –*

*(a) where the annual tuition fees, excluding administration and student union fees, are less than 34,800 rupees for a child following an undergraduate course in Mauritius;*

*(b) Repealed*[1093*]

*(c) in respect of the same dependent for more than 6 years.*[1093*]

FA 2020 – Part I of the Third Schedule amended, the table deleted and replaced-shall be deemed to have come into operation in respect of the income year commencing on 1 July 2020 and in respect of every subsequent income year.

**Part I - Income Exemption Threshold**

| **Individual** | **(Rs)** |
|---|---|
| Category A | 310,000 |
| Category B | 420,000 |
| Category C | 500,000 |
| Category D | 550,000 |
| Category E | 600,000 |

FA 2019 – The Third Schedule repealed and replaced – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

**Part I - Income Exemption Threshold ***

| **Individual** | **(Rs)** |
|---|---|
| Category A | 305,000 |
| Category B | 415,000 |
| Category C | 480,000 |
| Category D | 525,000 |
| Category E | 555,000 |
| Category F | 355,000 |
| Category G | 465,000 |

FA 2018 –

***Part I - Income Exemption Threshold ****

| ***Individual*** | ***(Rs)*** |
|---|---|
| *Category A* | *300,000* |

| | | | | | | |
|---|---|---|---|---|---|---|
| *Category B* | ... | ... | ... | ... | ... | *410,000* |
| *Category C* | ... | ... | ... | ... | ... | *475,000* |
| *Category D* | ... | ... | ... | ... | ... | *520,000* |
| *Category E* | ... | ... | ... | ... | ... | *550,000* |
| *Category F* | ... | ... | ... | ... | ... | *350,000* |
| *Category G* | ... | ... | ... | ... | ... | *460,000* |

FA 2017 – The Third Schedule repealed and replaced shall come into operation in respect of income year commencing on 1 July 2017 and in respect of every subsequent income year.

***THIRD SCHEDULE***

*(section27(2))*

***Part I - Income Exemption Threshold***

| *Individual* | | | | | | *(Rupees)* |
|---|---|---|---|---|---|---|
| *Category A* | ... | ... | ... | ... | ... | *295,000* |
| *Category B* | ... | ... | ... | ... | ... | *405,000* |
| *Category C* | ... | ... | ... | ... | ... | *465,000* |
| *Category D* | ... | ... | ... | ... | ... | *505,000* |
| *Category E* | ... | ... | ... | ... | ... | *345,000* |
| *Category F* | ... | ... | ... | ... | ... | *455,000* |

*For the purposes of this Schedule -*

*(i)* *Category A refers to an individual who, in an income year, does not have any dependent;*

*(ii)* *Category B refers to an individual who, in an income year, has one dependent only;*

*(iii)* *Category C refers to an individual who, in an income year, has 2 dependents only;*

*(iv)* *Category D refers to an individual who, in an income year, has 3 or more dependents;*

*(v)* *Category E refers to -*

*(A)* *a retired person who, in an income year, has no dependent and has gross income, other than specified income; or*

*(B)* *a disabled person who, in an income year, has no dependent;*

*(vi)* *Category F refers to -*

*(A)* *a retired person who, in an income year, has one dependent and has gross income, other than specified income; or*

*(B)* *a disabled person who, in an income year, has one dependent;*

*(vii)* *"retired person" means a person who attains the age of 60 at any time prior to the first day of July of an income year in respect of which a claim for income exemption threshold in respect of Category E or Category F, as the case may be, is made ;*

*(viii)* *"specified income" means the gross income derived from emoluments, other than any income*

*specified in section 10(1)(a)(ii), or from any business;*

*(ix) where the dependent under Category B, C, D and F is a child pursuing a non-sponsored fulltime undergraduate course at a recognised tertiary educational institution, the person shall, in addition to the income exemption threshold he is entitled to, be eligible for an additional exemption of 135,000 rupees in respect of each dependent pursuing his undergraduate course –*

*(A) in Mauritius at an institution recognised by the Tertiary Education Commission established under the Tertiary Education Commission Act; or*

*(B) outside Mauritius at a recognized institution.*

*(x) no exemption under paragraph (ix) shall be allowed –*

*(A) where the annual tuition fees, excluding administration and student union fees, are less than 34,800 rupees for a child following an undergraduate course in Mauritius; or*

*(A) where the income referred to in section 27A(5) of the person, or the spouse of the person, as the case may be, exceeds 4 million rupees in an income year;*

*(C) in respect of the same dependent for more than 6 consecutive years.*

***PART II - RELIEF FOR MEDICAL OR HEALTH INSURANCE PREMIUM***

| ***COLUMN 1*** | ***COLUMN 2*** |
|---|---|
| ***Category claimed as Income Exemption Threshold*** | ***Premium allowable (Rs)*** |
| *Category A (no dependent)* | *12,000* |
| *Category B (one dependent)* | *12,000 for self*<br>*+ 12,000 for dependent* |
| *Category C (2 dependents)* | *12,000 for self*<br>*+ 12,000 for first dependent*<br>*+ 6,000 for second dependent* |
| *Category D (3 dependents)* | *12,000 for self*<br>*+ 12,000 for first dependent*<br>*+ 6,000 for second dependent*<br>*+ 6,000 for third dependent* |
| *Category E (retired or disabled person with no dependent)* | *12,000* |
| *Category F (retired or disabled person having one dependent)* | *12,000 for self*<br>*+ 12,000 for dependent* |

FA 2012 – The Third Schedule amended, the heading "**INCOME EXEMPTION THRESHOLD**" deleted and replaced them by the words "**PART I - INCOME EXEMPTION THRESHOLD**"; shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

FA 2012 – Paragraphs (v) and (vi) deleted and replaced shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

(v) Category E refers to a retired person who, in an income year, has no dependent and has gross income, other than specified income;

(vi) Category F refers to a retired person who, in an income year, has one dependent and has gross income, other than specified income;

FA 2015 – Paragraph (vii) amended, the word "January" deleted and replaced by the word "July" shall come into operation in respect of the income year commencing on 1 July 2015 and in respect of every subsequent income year.

FA 2013 – Item (vii) amended, the word "July" deletied and replaced by the word "January" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

[1] The words "or being unemployed" inserted by FA 1999. Effective as from income year 1999-00.

FA 2016 - Subparagraph (A) amended, the figure "44,500" deleted and replaced by the figure "34,800";

FA 2015 – Subparagraph (B ) amended, the words "2 million" deleted and replaced by the words "4 million" shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

FA 2011 – Subparagraph (B) repealed and replaced shall come into operation on 1 January 2012.

(B) where the individual is liable to solidarity income tax referred to in Sub-Part AA of Part III;

FA 2015 – Subparagraph (C) amended, the figure "3" deleted and replaced by the figure "6" - shall come into operation in respect of the income year commencing on 1 July 2015 and in respect of every subsequent income year.

FA 2012 – New Part II added shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

FA 2015 – Subparagraph (A) amended, the words "for a child following an undergraduate course in Mauritius" inserted after the word "rupees" shall come into operation in respect of the income year commencing on 1 July 2015 and in respect of every subsequent income year.

FA 2016 - The second column of the Third Schedule amended, the figures "285,000", "395,000", "455,000", "495,000", "335,000" and "445,000" deleted and replaced by the figures "295,000", "405,000", "465,000", "505,000", "345,000" and "455,000", respectively shall come into operation in respect of the year of assessment commencing on 1 July 2016 and in respect of every subsequent year of assessment.

FA 2015 – The Third Schedule amended, the figures "275,000", "385,000", "445,000", "485,000", "325,000" and "435,000" deleted and replaced by the figures "285,000", "395,000", "455,000", "495,000", "335,000" and "445,000", respectively - shall come into operation in respect of the income year commencing on 1 July 2015 and in respect of every subsequent income year.

FA 2013 – The Third Scheduleby amended, the figures "270,000", "380,000", "440,000", "480,000", "320,000" and "430,000" deleted and replaced by the figures "275,000", "385,000", "445,000", "485,000", "325,000" and "435,000", respectively- shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

FA 2011 – the figures"255,000", "365,000", "425,000", "465,000", "305,000" and "415,000" deleted and replaced by the figures "270,000", "380,000", "440,000", "480,000", "320,000" and "430,000", respectively - shall come into operation in respect of the income year commencing 1 January 2012 and in respect of every subsequent income year.

FA(No.2) 2009 -the Third Schedule amended, by deleting the figures "240,000", "350,000", "410,000", "450,000", "285,000" and "395,000" and replacing them by the figures "255,000", "365,000", "425,000", "465,000", "305,000" and "415,000", respectively - shall come into operation on 1 January 2010 in respect of the income year commencing on 1 January 2010 and in respect of every subsequent income year.

FA 2008 Section15(s)- The Third Schedule repealed and replaced - (shall be deemed to have come into operation on 1 July 2008 in respect of the income year commencing 1 July 2008 and in respect of every subsequent income year.)

FA 2006 s.18(zzf)- (effective as from income year commencing on 1 July 2006)

**THIRD SCHEDULE**
*(section27(2))*
**Income Exemption Threshold**

| **Individual** | **Amount (Rupees)** |
|---|---|
| Category A … … … … … | 215,000 |
| Category B … … … … … | 325,000 |
| Category C … … … … … | 385,000 |
| Category D … … … … … | 425,000 |

**For the purposes of this Schedule –**

(i) Category A refers to an individual who, in an income year, does not have any dependent;

(ii) Category B refers to an individual who, in an income year, has one dependent only;

(iii) Category C refers to an individual who, in an income year, has 2 dependents only; or

(iv) Category D refers to an individual who, in an income year, has 3 or more dependents.

FA 2004 - Income year 2004-05 Third Schedule deleted and replaced by the Fourth Schedule to this Act.

**THIRD SCHEDULE**
*(section 38, 39, 41, 42 and 42A)*

| | | *Section* | *Amount (Rupees)* |
|---|---|---|---|
| 1. | Basic personal deduction | 38 | 85,000[(1)] |
| 2. | Deduction for dependent spouse | 39 | 85,000[(2)] |
| 3. | Basic deduction for dependent child | 41 | 30,000 |
| 4. | Deduction for dependent handicapped child | 42 | 70,000[(3)] |
| 5. | Deduction for other handicapped person | 42A | 70,000[(3)] |

For the purpose of items 1, 2 and 3 of this Schedule, where a taxpayer, his dependent spouse, or any of his dependent children in respect of whom a deduction has been allowed under item 3, is handicapped, the taxpayer shall in addition to the deduction to which he is entitled under section 38, 39 or 41, be allowed a deduction of 70,000[(3)] rupees in respect of the handicapped person.

[(1)] The word "85,000" replaced the word "80,000" by FA 2005. Effective as from income year 2005-06.
[(2)] The word "85,000" replaced the word "65,000" by FA 2005. Effective as from income year 2005-06.
[(3)] The word "70,000" replaced the word "50,000" by FA 2005. Effective as from income year 2005-06.

**FA 2003 -** Income year 2003-2004

## *THIRD SCHEDULE*

***(Sections 38, 39, 41, 42 and 42A)***

| | | *Section* | *Amount (Rupees)* |
|---|---|---|---|
| *1.* | *Basic personal deduction* | *38* | *75,000* |
| *2.* | *Deduction for dependent spouse* | *39* | *60,000* |
| *3.* | *Deduction for dependent children -* | *41* | |
| | *(a) child under the age of 18 at any time in the income year;* | | *25,000* |
| | *(b) child over the age of 18 at any time in the income year and receiving full-time instruction at an educational institution or serving under articles or indentures with a view to qualifying in a trade or profession or being unemployed;* | | *25,000* |
| | *(c) child attending a course in the income year at the Industrial Vocational Training Board as a non-sponsored student, or at a State-owned or approved technical school;* | | *30,000* |
| | *(d) (i) child receiving full-time instruction in the income year at a university in Mauritius;* | | *50,000* |
| | *(ii) child attending a course at a polytechnic in Mauritius or at an educational institution providing tertiary education and approved as such by the Commissioner* | | *50,000* |
| | *(iii) child receiving full-time post-secondary instruction of at least two years' duration at the Industrial Vocational Training Board or at a recognised training institution;* | | *50,000* |
| | *(iv) child serving under articles or indentures outside Mauritius with a view to qualifying in a trade or profession* | | *50,000* |
| | *(e) child receiving full-time instruction in the income year at a university outside Mauritius or attending a course at a polytechnic outside Mauritius.* | | *50,000* |
| | *Deduction for dependent handicapped child* | | *100,000* |
| | *Deduction for other handicapped person* | | |
| *4.* | | *42* | *50,000* |
| *5.* | | *42A* | *50,000* |

*For the purposes of items 1, 2 and 3 of this Schedule -*

*(1) Where a deduction has been allowed under item 3(a), 3(c), 3(d) or 3(e) the taxpayer shall not, in respect of the same child, be allowed a deduction under any other item.*

*(2) Where a taxpayer, his dependent spouse, or any of his dependent children in respect of whom a deduction has been allowed under item 3, is handicapped, the taxpayer shall, in addition to the deduction to which he is entitled under section 38, 39, or 41, be allowed a deduction of 50,000 rupees in respect of the handicapped person.*

- *ITA 1995 as amended by FA 1996 -* ***Income year 1996-97***

***THIRD SCHEDULE***

***(sections 38, 39, 41 and 42)***

| | | Section | Amount (Rupees) |
|---|---|---|---|
| *1.* | *Basic personal deduction* | *38* | *45,000* |
| *2.* | *Deduction for dependent spouse* | *39* | *25,000* |
| *3.* | *Deduction for dependent children -* | *41* | |
| | *(a) child under the age of 18 at any time in the income year;* | | *12,000* |
| | *(b) child over the age of 18 at any time in the income year and receiving full-time instruction or serving under articles or indentures with a view to qualify in a trade or profession;* | | *12,000* |
| | *(c) child receiving full-time instruction at any time in the income year at a university, or serving under articles or indentures outside Mauritius with a view to qualifying in a trade or profession;* | | *35,000* |
| | *(d) child attending a course at any time in the income year at the Industrial Vocational Training Board as a non-sponsored student or at a State-owned technical school* | | *20,000* |
| *4.* | *Deduction for dependent handicapped child* | *42* | *20,000* |

*For the purposes of items 1, 2 and 3 of this Schedule -*

*(1) Where a deduction has been allowed under item 3(a), 3(b), 3(c) or 3(d) the taxpayer shall not, in respect of the same child, be allowed a deduction under any other item.*

*(2) Where a taxpayer, his dependent spouse, or any of his dependent children in respect of whom a deduction has been allowed under item 3, is handicapped, the taxpayer shall, in addition to the deduction to which he is entitled under section 38, 39, or 41, be allowed a deduction of 20,000 rupees in respect of the handicapped person.*

- *FA 1997 -* ***Income year 1997-98***

***THIRD SCHEDULE***

***(sections 38, 39, 41 and 42)***

| | | Section | Amount (Rupees) |
|---|---|---|---|
| 1. | *Basic personal deduction* | 38 | 48,000 |
| 2. | *Deduction for dependent spouse* | 39 | 28,000 |
| 3. | *Deduction for dependent children -* | 41 | |
| | (a) *child under the age of 18 at any time in the income year;* | | 15,000 |
| | (b) *child over the age of 18 at any time in the income year and receiving full-time instruction at an educational institution or serving under articles or indentures with a view to qualifying in a trade or profession;* | | 15,000 |
| | (c) *child receiving full-time instruction at any time in the income year at the University of Mauritius, or attending a course at a polytechnic in Mauritius, or serving under articles or indentures outside Mauritius with a view to qualifying in a trade or profession;* | | 40,000 |
| | (d) *child receiving full-time instruction at any time in the income year at a university outside Mauritius or attending a course at a polytechnic outside Mauritius;* | | 50,000 |
| | (e) *child attending a course at any time in the income year at the Industrial Vocational Training Board as a non-sponsored student, or at a State-owned, or approved, technical school* | | 25,000 |
| 4. | *Deduction for dependent handicapped child* | 42 | 40,000 |

*For the purposes of items 1, 2 and 3 of this Schedule -*

*(1) Where a deduction has been allowed under item 3(a), 3(b), 3(c), 3(d) or 3(e) the taxpayer shall not, in respect of the same child, be allowed a deduction under any other item.*

*(2) Where a taxpayer, his dependent spouse, or any of his dependent children in respect of whom a deduction has been allowed under item 3, is handicapped, the taxpayer shall, in addition to the deduction to which he is entitled under section 38, 39, or 41, be allowed a deduction of 40,000 rupees in respect of the handicapped person.*

- *FA 1998 -* ***Income years 1998-99 & 1999-00***

***THIRD SCHEDULE***

***(sections 38, 39, 41, 42 and 42A)***

| | | Section | Amount (Rupees) |
|---|---|---|---|
| *1.* | *Basic personal deduction* | *38* | *50,000* |
| *2.* | *Deduction for dependent spouse* | *39* | *40,000* |
| *3.* | *Deduction for dependent children -* | *41* | |
| | *(a) child under the age of 18 at any time in the income year;* | | *17,000* |
| | *(b) child over the age of 18 at any time in the income year and receiving full-time instruction at an educational institution or serving under articles or indentures with a view to qualifying in a trade or profession or being unemployed;* | | *17,000* |
| | *(c) child receiving full-time instruction at any time in the income year at the University of Mauritius, or attending a course at a polytechnic in Mauritius, or serving under articles or indentures outside Mauritius with a view to qualifying in a trade or profession;* | | *40,000* |
| | *(d) child receiving full-time instruction at any time in the income year at a university outside Mauritius or attending a course at a polytechnic outside Mauritius;* | | *50,000* |
| | *(e) child attending a course at any time in the income year at the Industrial Vocational Training Board as a non-sponsored student, or at a State-owned, or approved, technical school.* | | *25,000* |
| *4.* | *Deduction for dependent handicapped child* | *42* | *42,000* |
| *5.* | *Deduction for other handicapped person* | *42A* | *42,000* |

*For the purposes of items 1, 2 and 3 of this Schedule -*

*(1) Where a deduction has been allowed under item 3(a), 3(b), 3(c), 3(d) or 3(e) the taxpayer shall not, in respect of the same child, be allowed a deduction under any other item.*

*(2) Where a taxpayer, his dependent spouse, or any of his dependent children in respect of whom a deduction has been allowed under item 3, is handicapped, the taxpayer shall, in addition to the deduction to which he is entitled under section 38, 39, or 41, be allowed a deduction of 42,000 rupees in respect of the handicapped person.*

[1094] FA 2024 – New Paragraph 4 in Part I of the Third Schedule inserted, shall be deemed to have come into operation in respect of the income year commencing on 01 July 2024 and in respect of every subsequent income year.

[1095] FA 2023 – Part II of the Third Schedule repealed and replaced, shall be deemed to have come into operation in respect of the income year commencing on 1 July 2023 and in respect of every subsequent income year.

*ITA 1995:*

| ***COLUMN 1*** | ***COLUMN 2*** |
|---|---|
| ***Category claimed as Income Exemption Threshold*** | ***Premium allowable (Rs)*** |
| *Category A (no dependent)* | *25,000* |
| *Category B (1 dependent)* | *25,000 for self + 25,000 for dependent* |
| *Category C (2 dependents)* | *25,000 for self + 25,000 for first dependent + 20,000 for second dependent* |
| *Category D (3 dependents)* | *25,000 for self + 25,000 for first dependent + 20,000 for second dependent + 20,000 for third dependent* |
| *Category E (4 dependents)* | *25,000 for self + 25,000 for first dependent + 20,000 for second dependent + 20,000 for third dependent + 20,000 for fourth dependent* |

FA 2022- Part II of the Third Schedule amended, the figure "20,000" deleted wherever it appears and replaced by the figure "25,000" and the figure "15,000" deleted wherever it appears and replaced by the figure "20,000" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2022 and in respect of every subsequent income year.

FA 2021- Part II of the Third Schedule amended, the figure "15,000" deleted wherever it appears and replaced by the figure "20,000" and the figure "10,000" deleted wherever it appears and replaced by the figure "15,000" – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2021 and in respect of every subsequent income year.

*Previously was:*

**PART II - RELIEF FOR MEDICAL OR HEALTH INSURANCE PREMIUM [1095]***

| COLUMN 1<br>**Category claimed as Income Exemption Threshold** | COLUMN 2<br>**Premium allowable (Rs)** |
|---|---|
| Category A<br>(no dependent) | 15,000 |
| Category B<br>(1 dependent) | 15,000 for self +<br>15,000 for dependent |
| Category C<br>(2 dependents) | 15,000 for self +<br>15,000 for first dependent +<br>10,000 for second dependent |
| Category D<br>(3 dependents) | 15,000 for self +<br>15,000 for first dependent +<br>10,000 for second dependent +<br>10,000 for third dependent |
| Category E<br>(4 dependents) | 15,000 for self +<br>15,000 for first dependent +<br>10,000 for second dependent +<br>10,000 for third dependent +<br>10,000 for fourth dependent |

FA 2019 – Part II of the Third Schedule repealed and replaced – shall be deemed to have come into operation in respect of the income year commencing on 1 July 2019 and in respect of every subsequent income year.

**Previously was**

| COLUMN 1<br>**Category claimed as Income Exemption Threshold** | COLUMN 2<br>**Premium allowable (Rs)** |
|---|---|
| Category A (no dependent) | 15,000 |
| Category B (one dependent) | 15,000 for self<br>+ 15,000 for dependent |
| Category C (2 dependents) | 15,000 for self<br>+ 15,000 for first dependent<br>+ 10,000 for second dependent |

| | |
|---|---|
| Category D (3 dependents) | 15,000 for self<br>+ 15,000 for first dependent<br>+ 10,000 for second dependent<br>+ 10,000 for third dependent |
| Category F (retired or disabled person with no dependent) | 15,000 |
| Category G (retired or disabled person having one dependent) | 15,000 for self<br>+ 15,000 for dependent |

FA 2017 –

FA 2012 – New Part II added shall come into operation in respect of the year of assessment commencing on 1 January 2013 and in respect of every subsequent year of assessment.

| ***COLUMN 1*** | ***COLUMN 2*** |
|---|---|
| ***Category claimed as Income Exemption Threshold*** | ***Premium allowable (Rs)*** |
| *Category A (no dependent)* | *12,000* |
| *Category B (one dependent)* | *12,000 for self*<br>*+ 12,000 for dependent* |
| *Category C (2 dependents)* | *12,000 for self*<br>*+ 12,000 for first dependent*<br>*+ 6,000 for second dependent* |
| *Category D (3 dependents)* | *12,000 for self*<br>*+ 12,000 for first dependent*<br>*+ 6,000 for second dependent*<br>*+ 6,000 for third dependent* |
| *Category E (retired or disabled person with no dependent)* | *12,000* |
| *Category F (retired or disabled person having one dependent)* | *12,000 for self*<br>*+ 12,000 for dependent* |

[1096] FA 2011 – The Fourth Schedule repealed shall come into operation on 1 January 2012.

***FOURTH SCHEDULE***

*(sections 2 and 105)*

***Gross income specified in section 10(1)(b) and rent specified in section 10(1)(c)***

| | ***CPS threshold*** |
|---|---|
| *Turnover* | *500,000 rupees for the CPS quarter* |
| *Gross Income from profession, vocation or occupation* | *100,000 rupees for the CPS quarter* |
| *Rent* | *25,000 rupees per month* |

***[PART II] Repealed*** [1] *

**1*** *FA 2007 -* ***PART II*** *repealed w.e.f 22.08.07.*

***PART II***
***Method to calculate tax under the current payment system (CPS)***

| *Chargeable Income* Rs | *Tax* Rs | |
|---|---|---|
| *1 to 125,000* | *-* | *15 per cent of chargeable income* |
| *125,001 and over* | *18,750* | *+ 22.5 per cent of excess over Rs 125,000* |

FA 2009 - The Fourth Schedule deleted and replaced shall be deemed to have come into operation on 1 July 2009.

FA 2007 - The Fourth Schedule amended, by deleting the words "(sections 2, 105 and 108) " and "PART I" and replacing them by the words "(sections 2 and 105) w.e.f 22.08.07.

**FOURTH SCHEDULE**
*(sections 2 and 105)*

**Gross income specified in section 10(1)(b) and rent specified in section 10(1)(c)**

| | **CPS threshold** |
|---|---|
| Turnover | 300,000 rupees for the CPS quarter |
| Gross Income from profession, vocation or occupation | 75,000 rupees for the CPS quarter |
| Rent | 20,000 rupees per month |

FA 2006 s.18(zzf)- (effective as from income year commencing on 1 July 2006)
**FA 2006 s.18(zzf) effective as from income year commencing 1July 2006 for individuals and as from year of assessment 2007/2008 for companies.**

**FOURTH SCHEDULE**
*(sections 2,105 and 108)*

**Gross income specified in section 10(1)(b) and rent specified in section 10(1)(c)**

| | **CPS threshold** |
|---|---|
| Turnover | 300,000 rupees for the CPS quarter |
| Gross Income from profession, vocation or occupation | 75,000 rupees for the CPS quarter |
| Rent | 20,000 rupees per month |

***PART II***
***Method to calculate tax under the current payment system (CPS)***

| *Chargeable Income* Rs | *Tax* Rs | |
|---|---|---|
| *1 to 125,000* | *-* | *15 per cent of chargeable income* |

| | | |
|---|---|---|
| *125,001 and over* | *18,750 + 22.5 per cent of excess over Rs 125,000* | |

***FOURTH SCHEDULE***
***(section 2)***
***PART I - EMOLUMENTS***

| | | | |
|---|---|---|---|
| | | ***Amount*** | |
| *1.* | *In respect of an employee* | *8,000 rupees[1] per month* | |
| *2.* | *In respect of a field worker or a non-agricultural worker in the sugar industry* | *[ [ [ [ [ [* | *6,000 rupees[2] per month during the inter-crop season, and 9,500 rupees[3] per month during the crop season, and end-of-year bonus and leave pay prescribed in any enactment in his favour* |

***PART II - TAX LIABILITY***

*Tax liability for a CPS period* [4] *500 rupees or less* [5]

[1] Amended by FA 1998. Effective as from income year 1998-99. Previously -
- ITA 1995 as amended - Rs 5,500
- FA 1997 - Income year 1997-98 - Rs 5,800
- FA 2003 – effective as from year of assessment 2003/2004 – Rs 7,000
- FA 2004 – effective as from year of assessment 2005/2006 – Rs. 8,000

[2] Amended by FA 1998. Effective as from income year 1998-99. Previously -
- ITA 1995 as amended - Rs 4,500
- FA 1997 - Income year 1997-98 - Rs 4,800
- FA 2003 – effective as from year of assessment 2003/2004 – Rs 5,700
- FA 2004 – effective as from year of assessment 2005/2006 – Rs. 6,000

[3] Amended by FA 1998. Effective as from income year 1998-99. Previously -
- ITA 1995 as amended - Rs 8,000
- FA 1997 - Income year 1997-98 - Rs 8,300
- FA 2003 – effective as from year of assessment 2003/2004 – Rs 9,100
- FA 2004 – effective as from year of assessment 2005/2006 – Rs. 9,500

[4] The words "CPS period" replaced "CPS quarter" by FA 1997. Effective as from income year 1997-98.

[5] Amended by FA 1997. Effective as from income year 1997-98. Previously ITA 1995 as amended - Rs 200 or less

[1097] FA 2007 - **PART II** repealed w.e.f 22.08.07.

***PART II***
***Method to calculate tax under the current payment system (CPS)***

| *Chargeable Income* | *Tax* | |
|---|---|---|
| *Rs* | *Rs* | |
| *1 to 125,000* | *-* | *15 per cent of chargeable income* |
| *125,001 and over* | *18,750* | *+ 22.5 per cent of excess over Rs 125,000* |

FA 2004 s.11(z)- (effective as from income year commencing on 1 July 2004)

## *FIFTH SCHEDULE*
*(section 11(z))*
## *FIFTH SCHEDULE*
## *(section 93)*

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

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

| *Chargeable Income* Rs | | | *Tax* Rs | | |
|---|---|---|---|---|---|
| *1* | *to* | *1,923* | *-* | | *10 per cent of chargeable income* |
| *1,924* | *to* | *3,846* | *193* | *+* | *20 per cent of excess over Rs 1,923* |
| *3,847* | *to* | *38,461* | *577* | *+* | *25 per cent of excess over Rs 3,846* |
| *38,462* | *and over* | | *9,230* | *+* | *30 per cent of excess over Rs 38,461* |

### *PART B - METHOD TO CALCULATE TAX TO BE WITHHELD FROM FORTNIGHTLY PAY*

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

| *Chargeable Income* Rs | | | *Tax* Rs | | |
|---|---|---|---|---|---|
| *1* | *to* | *893* | *-* | | *10 per cent of chargeable income* |
| *894* | *to* | *1,785* | *89* | *+* | *20 per cent of excess over Rs 893* |
| *1,786* | *to* | *17,857* | *267* | *+* | *25 per cent of excess over Rs 1,785* |
| *17,858* | *and over* | | *4,285* | *+* | *30 per cent of excess over Rs 17,857* |

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

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

| *Chargeable Income* Rs | | | *Tax* Rs | | |
|---|---|---|---|---|---|
| *1* | *to* | *446* | *-* | | *10 per cent of chargeable income* |
| *447* | *to* | *892* | *44* | *+* | *20 per cent of excess over Rs 446* |
| *893* | *to* | *8,928* | *133* | *+* | *25 per cent of excess over Rs 892* |
| *8,929* | *and over* | | *2,142* | *+* | *30 per cent of excess over Rs 8,928* |

### *PART D - TAX WITHHOLDING AT FLAT RATE*

| *Chargeable income* | *Rate of Tax on chargeable income* |
|---|---|
| *under section 96(2)(a)* | *20 per cent* |
| *under section 96(2)(b)* | *20 per cent* |
| *under section 96(2)(c)* | *10 per cent* |
| *under section 96(2)(d)* | *5 per cent* |

- *FA 2000* - ***Income year 2000-01***

***FIFTH SCHEDULE*** [(1)]
***(section 93)***

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

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

| ***Chargeable Income Rs*** | | | ***Tax Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *1,923* | *-* | | *15 per cent of chargeable income* |
| *1,924* | *and* | *over* | *288* | + | *25 per cent of excess over Rs 1,923* |

***PART B - METHOD TO CALCULATE TAX TO BE WITHHELD FROM FORTNIGHTLY PAY***

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

| ***Chargeable Income Rs*** | | | ***Tax Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *893* | *-* | | *15 per cent of chargeable income* |
| *894* | *and* | *over* | *134* | + | *25 per cent of excess over Rs 893* |

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

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

| ***Chargeable Income Rs*** | | | ***Tax Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *446* | *-* | | *15 per cent of chargeable income* |
| *447* | *and* | *over* | *67* | + | *25 per cent of excess over Rs 446* |

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

| ***Chargeable income*** | ***Rate of Tax on chargeable income*** |
|---|---|
| *under section 96(2)(a)* | *20 per cent* |
| *under section 96(2)(b)* | *20 per cent* |
| *under section 96(2)(c)* | *10 per cent* |
| *under section 96(2)(d)* | *5 per cent* |

[(1)] Amended by FA 2000. Effective as from income year 2000-01. For other previous years, see pages 170 and 171.

- *ITA 1995 as amended - **Income years 1996-97 to 1998-99***

***FIFTH SCHEDULE***
***(section 93)***

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

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

| ***Chargeable Income Rs*** | | | ***Tax Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *1,153* | *-* | | *5 per cent of chargeable income* |
| *1,154* | *to* | *2,692* | *58* | *+* | *15 per cent of excess over Rs 893* |
| *2,693* | *to* | *4,230* | *288* | *+* | *25 per cent of excess over Rs 2,692* |
| *4,231* | *and* | *over* | *673* | *+* | *30 per cent of excess over Rs 4,230* |

***PART B - METHOD TO CALCULATE TAX TO BE WITHHELD FROM FORTNIGHTLY PAY***

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

| ***Chargeable Income Rs*** | | | ***Tax Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *535* | *-* | | *5 per cent of chargeable income* |
| *536* | *to* | *1,250* | *27* | *+* | *15 per cent of excess over Rs 535* |
| *1,251* | *to* | *1,964* | *134* | *+* | *25 per cent of excess over Rs 1,250* |
| *1,965* | *and* | *over* | *313* | *+* | *30 per cent of excess over Rs 1,964* |

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

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

| ***Chargeable Income Rs*** | | | ***Tax Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *267* | *-* | | *5 per cent of chargeable income* |
| *268* | *to* | *625* | *13* | *+* | *15 per cent of excess over Rs 267* |
| *626* | *to* | *982* | *66* | *+* | *25 per cent of excess over Rs 625* |
| *983* | *and* | *over* | *156* | *+* | *30 per cent of excess over Rs 982* |

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

| ***Chargeable income*** | ***Rate of Tax on chargeable income*** |
|---|---|
| *under section 96(2)(a)* | *20 per cent* |
| *under section 96(2)(b)* | *20 per cent* |
| *under section 96(2)(c)* | *10 per cent* |
| *under section 96(2)(d)* | *5 per cent* **(1)** |

**(1)** Item added by FA 1998. Effective as from income year 1998-99.

- *FA 1999 -* ***Income year 1999-00***

***FIFTH SCHEDULE***
***(section 93)***

***PART A - METHOD TO CALCULATE TAX TO BE WITHHELD FROM MONTHLY PAY***
*(Applicable to an employee who has submitted an Employee Declaration Form to his employer)*

| ***Chargeable Income*** ***Rs*** | | | ***Tax*** ***Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *1,153* | *-* | | *5 per cent of chargeable income* |
| *1,154* | *to* | *3,077* | *58* | *+* | *15 per cent of excess over Rs 1,153* |
| *3,078* | *to* | *5,000* | *346* | *+* | *25 per cent of excess over Rs 3,077* |
| *5,001* | *and* | *over* | *827* | *+* | *28 per cent of excess over Rs 5,000* |

***PART B - METHOD TO CALCULATE TAX TO BE WITHHELD FROM FORTNIGHTLY PAY***
*(Applicable to an employee who has submitted an Employee Declaration Form to his employer)*

| ***Chargeable Income*** ***Rs*** | | | ***Tax*** ***Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *535* | *-* | | *5 per cent of chargeable income* |
| *536* | *to* | *1,428* | *27* | *+* | *15 per cent of excess over Rs 535* |
| *1,429* | *to* | *2,321* | *161* | *+* | *25 per cent of excess over Rs 1,428* |
| *2,322* | *and* | *over* | *384* | *+* | *28 per cent of excess over Rs 2,321* |

***PART C - METHOD TO CALCULATE TAX TO BE WITHHELD FROM WEEKLY PAY***
*(Applicable to an employee who has submitted an Employee Declaration Form to his employer)*

| ***Chargeable Income*** ***Rs*** | | | ***Tax*** ***Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *267* | *-* | | *5 per cent of chargeable income* |
| *268* | *to* | *714* | *13* | *+* | *15 per cent of excess over Rs 267* |
| *715* | *to* | *1,160* | *80* | *+* | *25 per cent of excess over Rs 714* |
| *1,161* | *and* | *over* | *191* | *+* | *28 per cent of excess over Rs 1,160* |

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

| ***Chargeable income*** | ***Rate of Tax on chargeable income*** |
|---|---|
| *under section 96(2)(a)* | *20 per cent* |
| *under section 96(2)(b)* | *20 per cent* |
| *under section 96(2)(c)* | *10 per cent* |
| *under section 96(2)(d)* | *5 per cent* |

[1098] FA 2023 – The Fifth Schedule amended, by inserting, in the appropriate alphabetical order, the following new item – Interior Decorator/Designer, w.e.f 20 July 2023.

FA 2016 - The Fifth Schedule amended, the following new items –

Accountant/Accounting firm and Tax adviser or his representative inserted in the appropriate alphabetical order shall come into operation on 1 October 2016

FA 2012 – The Fifth Schedule amended, the words "*Dentist" and "Doctor*" deleted and the following new words "*Medical service provider*" inserted w.e.f. 22 December 2012.

FA 2011 – The Fifth Schedule repealed and replaced - shall come into operation on 1 March 2012.

***FIFTH SCHEDULE***
*(section 111B(e))*
***Services***

*Architect*
*Engineer*
*Land surveyor*
*Project manager in the construction industry*
*Property valuer*
*Quantity surveyor*

[1099] FA 2012 - The Sixth Schedule – repealed and replaced w.e.f. 22 December 2012.

**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 by any person, other than by a bank or non-bank deposit taking institution, under the Banking Act, to a non-resident | 10 |
| 2. | Royalties payable to -<br>(a) a resident<br>(b) a non-resident | <br>10<br>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 –<br>(a) for the procurement of goods and services under a single contract, where the payment exceeds 300,000 rupees;<br>(b) for the procurement of goods under a contract, where the payment exceeds 100,000 rupees; or<br>(c) for the procurement of services under a contract, where the payment exceeds 30,000 rupees. | <br><br><br><br>1<br><br>1<br><br>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 |

GN No. 58 of 2012 – Item 1 amended, the word "*Interest*" deleted and replaced by the words "*Interest payable by any person, other than by a bank or non-bank deposit taking institution, under the Banking Act, to a non-resident*" deemed to have come into operation on 1 March 2012.

FA 2011 – The Sixth Schedule repealed and replaced shall come into operation on 1 March 2012.

***SIXTH SCHEDULE***

*(section 111C)*

***Deduction of tax at source***

***Part I - Rate***

| **Amount or sum made available to the payee by way of -** | | **Rate of tax** |
|---|---|---|
| 1. | Interest | 10 per cent[1]* |
| 2. | Royalties - [2]* | |
| | (a) a resident | 10 per cent |
| | (b) a non-resident | 15 per cent |
| 3. | Rent | 5 per cent |
| 4. | Payments to contractors and sub-contractors | 0.75 per cent [3] * |
| 5. | Payments to providers of services | 3 per cent [4] * |

**Part II – Aggregate amount of deposits**

5,000,000 rupees[5]*

[1] FA 2010 – The Sixth Schedule, in Part I, item 1 amended by deleting the words "15 per cent" and replacing them by the words "10 per cent" - shall come into operation as from the income year commencing 1 January 2011.

| | |
|---|---|
| 1. Interest | 15 per cent |

[2] FA No.2 of 2009 - The Sixth Schedule item 2 deleted and replaced shall come into operation as from the year of assessment commencing on 1 January 2011.

| | |
|---|---|
| 2. Royalties | 10 per cent |

[3] GN 129/2006 – The words "0.75 per cent" replaced the words "2 per cent" w.e.f 01.10.06.

[4] GN 129/2006 – The words " 3 per cent" replaced the words "10 per cent" w.e.f 01.10.06.

[5] FA 2010 – The Sixth Schedule, in Part II, the words "2,000,000 rupees" deleted and replaced by the words "5,000,000 rupees"

[1100] GN No.5 of 2014 – The Sixth Schedule to the Act is amended, in item 1, the words "a non-resident" deleted and replaced by the words "any person, other than a company resident in Mauritius" - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

[1101] FA 2022 – item 3(a) amended, by deleting the figure "5" and replacing it by the figure "7.5", shall come into operation on 03 October 2022.

FA 2018 –Item 3 deleted and its corresponding entries and replaced w.e.f 9 August 2018.

| | | |
|---|---|---|
| 3. | Rent | 5 |

[1102] FA 2022 – item 5 amended, by deleting the figure "3" and replacing it by the figure "5", shall come into operation on 03 October 2022.

[1103] FA 2018 – New item 11 and its corresponding entries added w.e.f 9 August 2018.

[1104] FA 2022 – New item 12 and its corresponding entries added, shall come into operation on 03 October 2022.

[1105] FA 2022 – New item 13 and its corresponding entries added, shall come into operation on 03 October 2022.

[1106] FA 2023 – Item 14 amended, by deleting the word "mechanics" and replacing it by the words "any other person", w.e.f 20 July 2023.

FA 2022 – New item 14 and its corresponding entries added, shall come into operation on 03 October 2022.

FA 2006 s.18(zzf)- (effective as from income year commencing on 1 July 2006)
FA 2006 s.18(zzf) effective as from income year commencing 1July 2006 for individuals and as from year of assessment 2007/2008 for companies.

**SIXTH SCHEDULE**
**(sections 2 and 105)**

**GROSS INCOME SPECIFIED IN SECTION 10(1)(b) AND RENT SPECIFIED IN SECTION 10(1)(c)**

| | **CPS threshold** |
|---|---|
| Turnover | 400,000 rupees for the CPS period [1] |
| Gross Income from profession, vocation or occupation | 100,000 rupees for the CPS period [2] |
| Rent | 8,000 rupees per month [3] |

[1] MRA Act 2004 - The words "400,000 rupees for the CPS period" replaced "500,000 rupees for the CPS period" effective as from 1 July 2006 by proclamation No. 10 of 2006.

The words "500,000 rupees for the CPS period" replaced "250,000 rupees per quarter" by FA 1997. Effective as from income year 1997-98.

[2] MRA Act 2004 - The words "100,000 rupees for the CPS period" replaced "300,000 rupees for the CPS period" effective as from 1 July 2006 by proclamation No. 10 of 2006.

The words "300,000 rupees for the CPS period" replaced "150,000 rupees per quarter" by FA 1997. Effective as from income year 1997-98.

[3] MRA Act 2004 - The words "8,000 rupees for the CPS period" replaced "6,000 rupees for the CPS period" effective as from 1 July 2006 by proclamation No. 10 of 2006.

[1107] FA 2007 - The Seventh Schedule repealed and replaced , shall be deemed to have come into operation on 1 July 2007 in respect of the year of assessment commencing 1 July 2007 and in respect of every subsequent year of assessment.

**FA 2006 s.18(zzf) effective as from income year commencing 1July 2006 for individuals and as from year of assessment 2007/2008 for companies.**

**SEVENTH SCHEDULE**

*(section 111M)*

| Area | | Rate |
|---|---|---|
| 1. | Floor area in the case of apartment, flat or tenement | 30 rupees per square metre |
| 2. | Surface area of land in the case of any other residential property | 10 rupees per square metre |

FA 2004 s.11(aa). Effective as from income year commencing on 1 July 2004

***SEVENTH SCHEDULE***

*(section 108)*

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

| ***Chargeable Income*** ***Rs*** | | | ***Tax*** ***Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *12,500* | - | | *10 per cent of chargeable income* |
| *12,501* | *to* | *25,000* | *1,250* | + | *20 per cent of excess over Rs 12,500* |
| *25,001* | *to* | *250,000* | *3,750* | + | *25 per cent of excess over Rs 25,000* |
| *250,001* | *and over* | | *60,000* | + | *30 per cent of excess over Rs 250,000* |

Amended by FA 2000. Effective as from income year 2000-2001.

***SEVENTH SCHEDULE[1]***
***(section 108)***

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

| ***Chargeable Income*** ***Rs*** | | | ***Tax*** ***Rs*** | | |
|---|---|---|---|---|---|
| *1* | *to* | *12,500* | - | | *15 per cent of chargeable income* |
| *12,501* | *and over* | | *1,875* | + | *25 per cent of excess over Rs 12,500* |

ITA 1995 as amended - **Income year 1996-97**

**SEVENTH SCHEDULE**
**(section 108)**

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

| Chargeable Income Rs | | | Tax Rs | | |
|---|---|---|---|---|---|
| 1 | to | 3,750 | - | | 5 per cent of chargeable income |
| 3,751 | to | 8,750 | 188 | + | 15 per cent of excess over Rs 3,750 |
| 8,751 | to | 13,750 | 938 | + | 25 per cent of excess over Rs 8,750 |
| 13,751 | and over | | 2,188 | + | 30 per cent of excess over Rs 13,750 |

- FA 1997 - Income years 1997-98 & 1998-99

| Chargeable Income Rs | | | Tax Rs | | |
|---|---|---|---|---|---|
| 1 | to | 7,500 | - | | 5 per cent of chargeable income |
| 7,500 | to | 17,500 | 375 | + | 15 per cent of excess over Rs 7,500 |
| 17,501 | to | 27,500 | 1,875 | + | 25 per cent of excess over Rs 17,500 |
| 27,501 | and over | | 4,375 | + | 30 per cent of excess over Rs 27,500 |

- FA 1999 – Income year 1999-00

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

[1108] FA 2021- Ninth Schedule repealed- w.e.f 05 August 2021.

*Was previously:*

**NINTH SCHEDULE**
[Section 161A(50) and (50A)]

| **Column 1** | **Column 2** |
|---|---|
| **Capital expenditure incurred on new plant and machinery for companies engaged in manufacturing or production of** | **Rate of annual tax credit allowable** |
| | **Percentage of cost** |
| Computers | 15 |
| Electronic or optical products | 5 |
| Electrical equipment | 5 |
| Film | 15 |
| Furniture | 5 |
| Jewellery and bijouterie | 5 |
| Medical and dental instruments, devices and supplies | 5 |
| Pharmaceuticals or medicinal chemicals | 15 |
| Ships and boats | 15 |
| Textiles | 15 |
| Wearing apparels | 15 |

FA 2016 - The Ninth Schedule repealed and replaced w.e.f 7 September 2016.

**NINTH SCHEDULE**

**[Section 161A(50)]**

**GOODS OR PRODUCTS**

Computers, electronic or optical products

Electrical equipment

Film

Furniture

Jewellery and bijouterie

Medical and dental instruments, devices and supplies

Pharmaceuticals or medicinal chemicals

Ships and boats

Textiles

Wearing apparels

FA 2013 –The Ninth Schedule added - shall come into operation in respect of the income year commencing 1 January 2014 and in respect of every subsequent income year.

[1109] GN No. 52 of 2017 The Tenth Schedule repealed and replaced w.e.f 1 April 2017

FA 2016 - The Tenth Schedule added w.e.f 7 September 2016.

***PART A – PRIORITY AREAS OF INTERVENTION***

*Dealing with health problems resulting from substance abuse and poor sanitation*

*Educational Support targeting families in the Social Register of Mauritius*

*Family protection – protection to victims of domestic violence*

*Poverty Alleviation targeting families listed in the Social Register of Mauritius*

*Social Housing targeting families in the Social Register of Mauritius*

*Supporting persons with severe disabilities*

***PART B – ACTIVITIES WHICH DO NOT QUALIFY UNDER CSR***

*Activities discriminating on the basis of race, place of origin, political opinion, colour or creed*

*Activities targeting shareholders, senior staff or their family members*

*Activities which are against public safety and national interest*

*Religious, political, trade union, self-financing, staff welfare and marketing activities*

_____

FA 2016 - The Tenth Schedule added w.e.f 7 September 2016.

[1110] FA 2019 – Note (b) of the Tenth Schedule in Part A amended, the words "National CSR" deleted and replaced by the words "National Social Inclusion"- shall be deemed to have come into operation on 1 July 2019.

[1111] FA 2021- The Tenth Schedule amended, new Part AA inserted after Part A –w.e.f 05 August 2021.

[1112] FA 2018 – The word "**earnings**" deleted and replaced by the words "**basic salary**" in heading of the Eleventh Schedule shall be deemed to have come into operation on 1 July 2017.

FA 2017 – The Eleventh Schedule added shall come into operation on a date to be fixed by Proclamation.

[1113] FA 2017 – The Twelth Schedule added w.e.f 24 July 2017.

[1114] FA 2019 – The Thirteenth Schedule added – shall come into operation in respect of the year of assessment commencing on 1 July 2020 and in respect of every subsequent year of assessment.