

**THE BUSINESS FACILITATION (MISCELLANEOUS PROVISIONS)
BILL (No. XVII of 2019)**

Explanatory Memorandum

The object of this Bill is to bring amendments to various enactments to provide for the simplification and harmonisation of the process for the application for permits and licences with a view to further facilitating enterprises in the context of ease of doing business.

P. K. JUGNAUTH

*Prime Minister, Minister of Home Affairs, External
Communications and National Development Unit,
Minister of Finance and Economic Development*

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**THE BUSINESS FACILITATION (MISCELLANEOUS PROVISIONS)
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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Build Operate Transfer Projects Act amended
3. Building Control Act amended
4. Civil Status Act amended
5. Companies Act amended
6. Consumer Protection (Price and Supplies Control) Act amended
7. Customs Act amended
8. Dangerous Chemicals Control Act amended
9. Economic Development Board Act 2017 amended
10. Electronic Transactions Act amended
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21. Mauritius Revenue Authority Act amended
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- FIRST SCHEDULE
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A BILL

To bring amendments to various enactments to provide for the simplification and harmonisation of the process for the application for permits and licences with a view to further facilitating enterprises in the context of ease of doing business

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Business Facilitation (Miscellaneous Provisions) Act 2019.

2. Build Operate Transfer Projects Act amended

The Build Operate Transfer Projects Act is amended –

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

“request for proposals” –

- (a) means the project requirements, the procedures for submission of bids and the criteria for the evaluation of bids; and

- (b) includes a model agreement;

“value for money” means the net benefit accruing to a contracting authority or users for the provision of goods, works or other services by the private party;

- (b) in section 5 –
 - (i) by repealing paragraph (c) and replacing it by the following paragraph –
 - (c) assist the contracting authority in –
 - (i) structuring a project to ensure value for money;
 - (ii) preparing request for proposals documentation;
- (c) in section 7, by repealing subsection (1) and replacing it by the following subsection –
 - (1) A contracting authority shall, for the purpose of this Act –
 - (a) identify a BOT project to be implemented under this Act;
 - (b) submit to the BOT Projects Unit a project brief for the registration of a BOT project;
 - (c) structure a BOT project, with the assistance of the BOT Projects Unit, to ensure value for money;
 - (d) seek approval of Cabinet to proceed with a BOT project;
 - (e) seek approval of Cabinet prior to signing an agreement.
- (d) by repealing section 8;
- (e) in section 9, by repealing subsections (1) and (2).

3. Building Control Act amended

The Building Control Act is amended, in section 4 –

- (a) in subsection (2)(a), by repealing subparagraph (iii), the word “and” at the end of subparagraph (ii) being deleted and the word “and” being added at the end of subparagraph (i);
- (b) by adding the following new subsection –

(3) (a) Where a building has a floor area of more than 150 square metres, an application for a permit shall be made through the National Electronic Licensing System referred to in section 27A of the Economic Development Board Act 2017.

(b) An application under paragraph (a) may be made by the architect who drew up, or the engineer who certified, the plans and drawings for the proposed building works.

4. Civil Status Act amended

The Civil Status Act is amended, in section 17B(1), by deleting the words “, other than a minor” and replacing them by the words “and where applicable, his spouse”.

5. Companies Act amended

The Companies Act is amended –

(a) in section 63, by adding the following new subsections –

(3) The Board shall not declare a dividend unless it is satisfied that, on payment of that dividend, the company shall continue to satisfy the solvency test.

(4) Where the Board declares a dividend, it shall ensure that that dividend is paid not later than 12 months after the date on which the dividend is declared.

(b) in section 221(1) –

(i) in paragraph (e) –

(A) in subparagraph (i), by deleting the word “and”;

(B) by repealing subparagraph (ii) and replacing it by the following subparagraph –

(ii) non-executive directors of the company, in a separate statement; and

(C) by adding the following new subparagraph –

(iii) each director individually;

- (ii) in paragraph (ea), by repealing subparagraph (ii) and replacing it by the following subparagraph –

- (ii) non-executive directors of the holding company, in a separate statement;

- (c) in section 338(1)(c), by adding the following new subparagraph –

- (iii) caused prejudice to the company resulting in a successful claim by a shareholder;

6. Consumer Protection (Price and Supplies Control) Act amended

The Consumer Protection (Price and Supplies Control) Act is amended –

- (a) in section 2, in the definitions of “Minister” and “Permanent Secretary”, by inserting, after the words “subject of”, the words “commerce and”;
- (b) by repealing section 22 and replacing it by the following section –

22. Authorised officer

The Permanent Secretary may designate any public officer to be an authorised officer to process an application for a permit, a licence, an approval, an authorisation or a clearance under this Act and for the purpose of ensuring that the provisions of this Act are being complied with.

- (c) in section 28A, in the definition of “guidelines”, by inserting, after paragraph (a), the following new paragraph –
 - (aa) listing all fees and charges leviable under this Act;
- (d) in section 28B –
 - (i) in subsection (1), by deleting the words “5 working days” and replacing them by the words “2 working days”;
 - (ii) in subsection (2), by deleting the words “to whom responsibility for the subject of commerce is assigned” and replacing them by the words “responsible for the subject of commerce”;

- (iii) in subsection (3), by deleting the words “of the Ministry responsible for the subject of commerce”;
- (iv) in subsection (4)(c), by deleting the words “10 working days” and “the goods require testing” and replacing them by the words “2 working days” and “verification, testing or analysis of the goods is required”, respectively.

7. Customs Act amended

The Customs Act is amended –

- (a) by repealing section 9A and replacing it by the following section –

9A. Time limit for proceeding with validated bill of entry by importer

(1) Subject to this section, an importer shall submit his bill of entry from the time the partial or the full and complete inward manifest is submitted under section 49 and not later than 5 working days after the time the vessel is berthed at the wharf or the aircraft has landed, as the case may be.

(2) Pursuant to section 9(2), an importer shall pay any duty, excise duty and taxes in respect of that bill of entry, within 14 working days of the date of validation.

(3) Notwithstanding subsection (2), where goods are entered and cleared by an SME or a VAT registered person, the duty, excise duty, taxes and any fees or charges leviable on the goods cleared shall be paid –

- (a) in the month of June, not later than 2 working days before the end of that month; and
- (b) in any other month, not later than 7 working days after the end of that month,

provided that the SME or VAT registered person gives a security, by bond under sections 39 and 42, to cover the deferred payment and the SME or VAT registered person is in compliance with a Revenue Law under the Mauritius Revenue Authority Act.

(4) Where an importer fails to comply with subsection (1), the importer shall be liable to pay to the Director-General a penalty representing 500 rupees in respect of each day of non-compliance,

provided that the total penalty payable does not exceed 5,000 rupees.

(5) The Director-General shall issue to the importer a written notice claiming the amount of penalty referred to in subsection (4).

(6) (a) Any person dissatisfied with a notice under subsection (5) may object to the notice in accordance with section 24A(3).

(b) The procedure set out in section 24A(3) and (4) shall apply to an objection under paragraph (a).

(c) Where the person referred to in paragraph (a) is aggrieved by a determination of his objection, he may lodge written representations with the Clerk of the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act.

(7) Where an importer fails to comply with subsection (2), the Director-General shall cancel the bill of entry.

(b) by inserting, after section 9B, the following new section –

9C. Time limit for proceeding with validated bill of entry by exporter

(1) Subject to this section, an exporter shall submit his bill of entry before a full and complete outward manifest is submitted under regulation 20A(i) of the Customs Regulations 1989.

(2) The exporter shall ensure that the goods for export are brought before the time frame specified in subsection (1).

(3) Where a bill of entry is submitted under this section and the goods have not been exported, the Director-General shall cancel the bill of entry within 14 days from the date of validation.

(c) by inserting, after section 16C, the following new section –

16D. Coordinated Border Management Unit

(1) The Coordinated Border Management Unit shall –

(a) comprise the Ministries and agencies specified in the Fourth Schedule; and

- (b) enforce in a coordinated manner the enactments relating to –
 - (i) importation, exportation and transit of goods; and
 - (ii) the control of any person in the Customs area, port premises, airport or Freeport zone.

(2) The Coordinated Border Management Unit shall be administered by the Director-General.

(3) The Director-General shall ensure that the goods and persons related to the Coordinated Border Management are cleared in such form and manner as the Director-General may determine.

(4) Notwithstanding any other enactment, the Director-General may collect, through the TradeNet or in such other manner as he may determine, any fees and charges levied by the Ministry or agency in relation to the importation , exportation and transit of goods, on its behalf in such form and manner as the Director-General and Ministry or agency may determine.

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

8. Dangerous Chemicals Control Act amended

The Dangerous Chemicals Control Act is amended –

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

“authorised officer” means an officer delegated by the Board to administer licences, permits and authorisations under this Act;

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

“effective date” means the date by which all required documents, information or samples, as the case may be, are submitted and, where applicable, after payment of the

processing fee, an acknowledgement receipt is issued to the applicant;

“export” has the same meaning as in the Customs Act;

“guidelines” means guidelines issued by the Board –

- (a) setting out the requirements for, the applicable law relating to, and the procedures for, an application for a licence, permit or authorisation under this Act;
 - (b) listing every fee leviable under this Act;
 - (c) available for consultation at the Board; and
 - (d) posted on the website of the Board;
- (ii) by adding the following new definition, the full stop at the end of the definition of “responsible person” being deleted and replaced by a semicolon –

“TradeNet” has the same meaning as in the Customs Act.

- (b) in section 7(1), by repealing paragraph (e) and replacing it by the following paragraph –

(e) delegate to the authorised officer the power to administer licences, permits and authorisations under this Act;

- (c) in section 10, by adding the following new subsection –

(5) (a) The Registrar or the authorised officer shall, not later than 4 working days after receipt of a new application, request to the applicant to submit such additional information as may be required to determine the application.

(b) The authorised officer shall, not later than 15 working days after the effective date of an application for a licence to trade in dangerous chemicals –

- (i) approve the application or renewal of a licence subject to such terms and conditions as may be specified in guidelines and on payment of such fees as may be prescribed;

- (ii) reject the application and notify the applicant accordingly.

(d) by inserting, after section 10, the following new section –

10A. Registration of extremely dangerous chemical

The Board shall, not later than 15 working days after the effective date of an application for registration of an extremely dangerous chemical, approve or reject the application.

(e) by inserting, after section 11, the following new sections –

11A. Import and export of dangerous chemicals

(1) Pursuant to sections 10(1)(a) and 11(1), every application for –

- (a) an import or export permit for dangerous chemicals;
- (b) an import or export permit for a pesticide or an extremely dangerous chemical, shall–
 - (i) through the TradeNet or in such other manner as the Board may determine, be made in such application form as the Board may approve;
 - (ii) be accompanied by such other document as may be required in the guidelines.
 - (iii) be subject to the payment of such fees as may be prescribed and such other conditions as may be specified in the guidelines.

(2) The authorised officer shall, not later than 2 working days of receipt after the effective date of the application, grant or refuse the application and inform the applicant accordingly.

(3) (a) Where verification, testing or analysis of the goods is required, the authorised officer shall grant or refuse the permit not later than 2 working days –

- (i) after verification of the goods; or

(ii) after receipt of the test report,

as the case may be.

(b) The permit shall be issued on payment of such fees as may be prescribed for the purpose of testing or verification, as the case may be.

(c) For the purpose of paragraph (a), in case the goods referred to subsection (1) are under Customs control, the authorised officer shall take the goods or a sample of the goods, as the case may be, in accordance with section 25B(3) of the Customs Act.

(4) For the purpose of subsections (2) and (3), the authorised officer shall notify his decision to grant or refuse to grant the permit, to the Director-General and the importer or exporter, through the TradeNet or in such other manner as the Board may determine.

11B. Clearance by Director-General

The Director-General shall release or clear goods imported or exported under this Act in accordance with section 25B of the Customs Act.

(f) in section 27 –

(i) by deleting the word “Board” wherever it appears and replacing it by the words “authorised officer”;

(ii) by inserting, after subsection (3), the following new subsection –

(3A) For the purpose of an authorisation under this section, the procedures set out in section 11A shall apply with such modifications, adaptations and exceptions as may be necessary.

9. Economic Development Board Act 2017 amended

The Economic Development Board Act 2017 is amended –

(a) in section 2 –

- (i) in the definition of “investor”, in paragraph (a), by deleting the words “6 or 7” and replacing them by the words “6, 7 or 8”;
- (ii) in the definition of “retired non-citizen”, by deleting the words “10, 11 or”;
- (iii) in the definition of “self-employed person”, by deleting the words “item 8” and replacing them by the words “item 11”;
- (iv) by adding the following new definition, the full stop at the end of the definition of “Vice-chairperson” being deleted and replaced by a semicolon –

“young professional” means a non-citizen referred to in item 10 of Part I of the First Schedule and who is employed in Mauritius by virtue of a contract of employment.

- (b) in section 5(2), by inserting, after paragraph (c), the following new paragraph –
 - (ca) to issue such guidelines as it may determine;
- (c) in section 13(7), by inserting, after the words “under this section”, the words “and meets such conditions as may be specified in guidelines issued by it under section 5(2)(ca)”;
- (d) by repealing the First Schedule and replacing it by the First Schedule set out in the Second Schedule to this Act.

10. Electronic Transactions Act amended

The Electronic Transactions Act is amended by inserting, after section 8, the following new section –

8A. Sharing of public information

(1) For the purpose of business facilitation, any public sector agency may, through its electronic system, share information with an institution, subject to an agreement being reached between the public sector agency and the institution.

- (2) In this section –

“institution” means another public sector agency or a private sector institution.

11. Environment Protection Act amended

The Environment Protection Act is amended –

- (a) in section 16 –
 - (i) in subsection (5)(b) –
 - (A) by inserting, after the word “make”, the words “, not later than 7 days after receipt of the PER,”;
 - (B) by deleting the words “thinks fit” and replacing them by the words “may determine”;
 - (ii) in subsection (6), by deleting the words “on being referred a PER under subsection (5), the Minister may” and replacing them by the words “the Minister shall, not later than 5 working days after receipt of the PER under section 5”;
- (b) in section 23 –
 - (i) in subsection (1), by deleting the words “within 7 days of” and replacing them by the words “not later than 5 working days after”;
 - (ii) in subsection (3), by deleting the words “within 14 days” and replacing them by the words “not later than 7 days”.

12. Films Act amended

The Films Act is amended, in section 8 –

- (a) by repealing subsection (2) and replacing it by the following subsection –
 - (2) Every application for permit to import a film shall be made in such manner as may be prescribed.
- (b) by repealing subsections (4A) and (6).

13. Fisheries and Marine Resources Act amended

The Fisheries and Marine Resources Act is amended –

- (a) in section 2 –

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

“guidelines” means guidelines issued by the Permanent Secretary –

- (a) setting out the requirements for, the applicable law relating to, and the procedures for, an application for a permit, an authorisation, a clearance, an approval or a licence under this Act;
- (b) listing all fees leviable under this Act;
- (c) available for consultation at the Ministry;
- (d) posted on the website of the Ministry; and
- (e) setting out the updated list of persons licensed under the Act;

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

“authorised officer” means an officer designated by the Permanent Secretary to process and grant permits, authorisations, clearances, licences or approvals with respect to import and export of goods under this Act;

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

“Economic Development Board” means the Economic Development Board established under the Economic Development Board Act 2017;

“export” has the same meaning as in the Customs Act;

“import” has the same meaning as in the Customs Act;

- (b) in section 8B(2)(a), by deleting the words “established under the Economic Development Board Act 2017”;
- (c) in section 22, –
 - (i) by repealing subsection (1) and replacing it by the following subsection –

(1) (a) No person shall import into Mauritius any fish or fish product except with a permit issued by the Permanent Secretary or the authorised officer, either electronically through the TradeNet or in such other manner as the Permanent Secretary may determine.

(b) A permit issued under sub section (1) may be granted subject to such terms and conditions as the Permanent Secretary or the authorised officer may determine.

(ii) in subsection (2)(a) –

(A) by inserting, after the words “with the approval of the Permanent Secretary”, the words “or the authorised officer”;

(B) by deleting the words “, in exceptional or unforeseen circumstances,”;

(iii) in subsection (2)(b), by inserting, after the words “Permanent Secretary”, the words “or the authorised officer”;

(d) in section 23 –

(i) in subsection (1)(a) –

(A) by inserting, after the words “a permit issued by the Permanent Secretary”, the words “or the authorised officer”;

(B) by deleting the words “, in exceptional or unforeseen circumstances,”;

(ii) in subsection (1)(b), by inserting, after the words “Permanent Secretary”, the words “or the authorised officer”;

(iii) in subsection (2) –

(A) by inserting, after the words “with the approval of the Permanent Secretary”, the words “or the authorised officer”;

(B) by deleting the words “, in exceptional or unforeseen circumstances,”;

- (iv) in subsection (3), by inserting, after the words "Permanent Secretary", wherever they appear, the words "or the authorised officer";
- (e) in sections 25 –
 - (i) by inserting, after the word "permit", wherever it appears, the words "or authorisation";
 - (ii) by inserting, after the words "Permanent Secretary", wherever they appear, the words "or the authorised officer";
- (f) in sections 26 and 27, by inserting, after the words "Permanent Secretary", wherever they appear, the words "or the authorised officer".

14. Immigration Act amended

The Immigration Act is amended –

- (a) in section 2, by adding the following new definition, the full stop at the end of the definition of "vessel" being deleted and replaced by a semicolon –

"young professional" means a non-citizen who –

 - (a) has completed at least an undergraduate degree in a local tertiary education institution recognised by the Tertiary Education Commission in any field listed in Part II of the Schedule; and
 - (b) is employed in Mauritius by virtue of a contract of employment and registered as such with the Economic Development Board.
- (b) in section 5(1), by inserting, after paragraph (ha), the following new paragraph, the word "or" at the end of paragraph (ha) being deleted –

(hb) he is a young professional; or
- (c) in section 6(1A), by deleting the words "or (h)" and replacing them by the words ", (h) or (hb)";
- (d) in section 9A –
 - (i) in subsection (1) –

- (A) by inserting, after the words “of a professional”, the words “or employer of a young professional”;
- (B) by deleting the words “or professional” and replacing them by the words “professional or young professional”;
- (C) in paragraph (b), by inserting, after the word “professional”, the words “or young professional”;
- (ii) in subsection (2)(c), by inserting, after the word “professional”, the words “or young professional”;
- (iii) in subsection (4)(a)(ii), by inserting, after the word “professional”, the words “or young professional”;
- (e) in the Schedule, in Part II, by inserting, in the appropriate alphabetical order, the following new items –
 - Financial services
 - Information technology
 - Such other field as the Minister may approve

15. Inflammable Liquids and Substances Act amended

The Inflammable Liquids and Substances Act is amended, in section 3 –

- (a) in subsection (1)(c), by deleting the words “certificate of registration” and “certificates of registration” and replacing them by the words “fire certificate” and “fire certificates”, respectively;
- (b) in subsection (2), by deleting the words “certificate of registration” and replacing them by the words “fire certificate”.

16. Information and Communication Technologies Act amended

The Information and Communication Technologies Act is amended –

- (a) in section 17(3), by inserting, after the words “and guidelines,”, the words “grant such authorisation, approval or clearance,”;
- (b) in section 18(1)(f), by inserting, after the words “regulatory functions”, the words “, or grant such authorisation, approval or clearance,”.

17. Insolvency Act amended

The Insolvency Act is amended –

(a) in section 2(1), in the definition of “Insolvency Practitioner”, by inserting, after the word “person”, the words “ordinarily resident in Mauritius”;

(b) in section 109, by inserting, after subsection (1), the following new subsection –

(1A) A body corporate shall not be appointed, or act, as a liquidator.

(c) in section 111(2)(c) –

(i) in subparagraph (i), by deleting the words “on the basis of 5 per cent and not more than 10 per cent of the gross realisation proceeds on disposal of assets” and replacing them by the words “ on such terms and conditions as may be prescribed”;

(ii) by repealing subparagraph (ii) and replacing it by the following subparagraph –

(ii) there is no indemnity cover, in accordance with the prescribed fee; and

(c) in section 204 –

(i) by repealing subsection (2) and replacing it by the following subsection –

(2) The persons entitled to payment out of the property of a company in receivership shall be in such rank of priority as may be prescribed.

(i) by repealing subsection (3);

(e) in section 232, by inserting, after subsection (2), the following new subsections –

(2A) The administrator shall call separate meetings for each class of creditors who shall vote separately.

(2B) At meetings held under subsection 2A, the administrator shall ensure that all classes of creditors are given equal treatment.

(2C) The Minister may make such regulations as he thinks fit for the purpose of ensuring that the administrator gives effect to subsection (2B).

(f) in section 237, by adding the following new subsection –

(12) At a watershed meeting, the administrator shall ensure that dissenting creditors are not discriminated against or placed in a position that is worse than where the company had been placed in liquidation.

(g) in section 366, by repealing subsection (1);

(h) by inserting, after section 403, the following new section –

403A.Appeals

Notwithstanding any other enactment, an appeal against an order made or a judgment delivered under this Act shall not operate as a stay of execution of the order or judgment, as the case may be, except where the appellate court grants such stay of execution.

18. Local Government Act amended

The Local Government Act is amended –

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

“business registration card” has the same meaning as in the Business Registration Act;

“Registrar” has the same meaning as in the Business Registration Act;

(b) in section 117 –

(i) in subsection (2), by inserting, after the words “he shall”, the words “, subject to subsection (3A),”;

(ii) by inserting, after subsection (3), the following new subsection, the existing subsection (3A) being renumbered as subsection (3B) –

(3A) Where a building has a floor area of more than 150 square metres, an application for a Building and Land Use Permit shall be made through the National Electronic Licensing System referred to in section 27A of the Economic Development Board Act 2017.

(iii) in subsection (4)(a)(ii), by deleting the words “the Mauritius Fire and Rescue Service,”;

(c) in section 122 –

(i) in subsection (1)(a), by deleting the words “fees, dues or other charges” and replacing them by the words “ dues or other charges, except for trade fees,”

(ii) by repealing subsection (3) and replacing it by the following subsection –

(3) Where a person carries out a classified trade within the administrative area of a Municipal City Council, Municipal Town Council or District Council, he shall pay such fee as may be prescribed to that Council through the Registrar, electronically or in such other manner as the Registrar may determine.

(iii) by repealing subsection (4) and replacing it by the following subsection –

(4) (a) Any fee payable under subsection (3) shall be paid by the person at the time of registration of the business or not later than 15 days after the start of the classified trade and, thereafter, in respect of every subsequent financial year.

(b) Any fee payable in respect of any financial year shall be due on 20 January and shall be paid to the Council through the Registrar, electronically or in such other manner as the Registrar may determine.

(c) Where the fee due in respect of any financial year exceeds the sum of 5,000 rupees, it may be paid by the person in 2 equal installments, the first one on or before 20 January and the second one on or before 30 June of that financial year.

(iv) in subsection (4A), by deleting words “subsection (3)(a)” and replacing them by the words “subsection (3)”;

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

(6A) The Registrar shall, not later than 15 working days after the end of the ensuing month, remit the fees or surcharge collected pursuant to sections 3, 4 and 5 to the Municipal City Council, appropriate Municipal Town Council or District Council, as the case may be.

(vi) by inserting, after subsection (6A), the following new subsection –

(6B) (a) This section shall, in respect of a period of 6 years as from 1 January 2017, not apply to an economic operator carrying out trade activities whose annual trade fee does not exceed 5,000 rupees at 30 June 2016.

(b) Paragraph (a) shall not apply to trade activities regulated under the Excise Act, gambling activities under the Gambling Regulatory Authority Act or such other activities as may be prescribed.

(d) in section 123 –

(i) by repealing subsection (3) and replacing it with the following subsection –

(3) Subject to section 122(6), every person carrying on a classified trade shall display, in a conspicuous place at each of his business premises, the receipt acknowledging payment of the fee or where the classified trade is exempted, the business registration card or, in specific circumstances, the exemption certificate issued by the Municipal City Council, Municipal Town Council or District Council, as the case may be, in respect of the current financial year.

(ii) by repealing subsection (4) and replacing it with the following subsection –

(4) (a) No hawker shall carry out any trade unless he has obtained an authorisation from the Municipal City Council, Municipal Town Council or District Council.

(b) Any authorised hawker shall produce his authorisation to the Registrar at the time of payment of his trade fee.

(e) in section 124 –

(i) in subsection (1), by deleting the words “the exemption certificate under section 122” and replacing them by the words “where the classified trade is exempted, the business registration card or, in specific circumstances, the exemption certificate issued by the Municipal City Council, Municipal Town Council or District Council, as the case may be”;

(ii) in subsection (2)(a), by deleting the words “the exemption certificate under section 122” and replacing them by the words “, the business registration card or the exemption certificate, as the case may be”;

(f) in section 162(2), by adding the following new paragraph, the full stop at the end of paragraph (h) being deleted and replaced by a semicolon –

(i) for any trade fee, other than fees or other charges, charged under section 122.

(g) in section 163(2)(a), by inserting, after the words the “levying of fees and charges”, the words “, other than trade fees charged under section 122”;

(h) in the Twelfth Schedule, in Part I, by deleting the following items –

Collector

Guesthouse

Hotel

Nightclub

Restaurant (excluding liquor and other alcoholic beverages) with entertainment

Restaurant (including liquor and other alcoholic beverages) with entertainment

Restaurant (including liquor and other alcoholic beverages) without entertainment

Retailer of liquor and alcoholic products - hotel and guest house

Retailer of liquor and alcoholic products – restaurant

Retailer of liquor - night club

Retailer of liquor - private club

Table d'hôte

Tour operator service

Tourist residence

19. Mauritius Fire and Rescue Service Act amended

The Mauritius Fire and Rescue Service Act is amended –

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

“effective date”, in relation to the submission of a new application for a fire certificate, means the date of payment of the appropriate fee to the Service;

“Fire Code” means the Fire Code issued under section 9(1)(aa);

“guidelines” means the guidelines issued under section 9(2)(f);

“maintenance certificate” means a document, issued by an authorised officer, certifying that the firefighting equipment and fire alarm system have been inspected, tested and serviced as required in accordance with the relevant standard and are in effective operational state;

“National Electronic Licensing System” has the same meaning as in section 27A of the Economic Development Board Act 2017;

“occupiers’ list”, in relation to premises occupied by more than one occupant, means a list of occupants, specifying the activities carried out by each occupant and the number of persons likely to be present at any one time;

- (b) in section 9 –

- (i) in subsection (1), by inserting, after paragraph (a), the following new paragraph –
 - (aa) shall issue a Fire Code which shall set out precautions to be taken, to prevent, and in case of, fire;
- (ii) in subsection (2), by adding the following new paragraph, the full stop at the end of paragraph (e) being deleted and replaced by a semicolon –
 - (f) in respect of fire safety and fire safety requirements for a fire certificate.
- (iii) by adding the following new subsections –
 - (5) The Chief Fire Officer may designate an authorised officer to ensure that the provisions of this Act are being complied with.
 - (6) The Fire Code shall be –
 - (a) available for consultation at the Service; and
 - (b) posted on the website of the Service.
- (c) in section 17(1), by inserting, after the words “in the event of a fire”, the words “or any other emergency”;
- (d) in section 19 –
 - (i) by repealing subsection (3) and replacing it by the following subsection –
 - (3) (a) The Chief Fire Officer shall, not later than 3 working days after the date of receipt of an application, request the applicant to submit any additional information, as may be specified in the guidelines, that may be required to determine the application.
 - (b) Where the application is complete, the applicant shall pay such application fee as may be prescribed.
 - (c) The Chief Fire Officer shall –

- (i) not later than 5 working days after the effective date, carry out a site visit at the premises for the purpose of a fire safety inspection;
- (ii) not later than 5 working days after a site visit –
 - (A) approve the application where he is satisfied that the premises under consideration is in accordance with this Act, Fire Code, guidelines and any other relevant enactment; or
 - (B) in case of non-compliance with this Act, the Fire Code, guidelines and any other relevant enactment –
 - (I) notify the applicant that the application has not been approved and give reasons thereof; or
 - (II) recommend to the applicant that the required fire safety measures and give the applicant time to comply with those measures.

(d) Where the owner notifies the Chief Fire Officer that he has complied with the required fire safety measures under paragraph (c)(ii)(B)(II), he shall pay such re-inspection fee as may be prescribed and the Chief Fire Officer shall give his decision in accordance with paragraph (ii).

(e) An application for a fire certificate shall lapse at the end of 6 months from the effective date.

(f) Where the Chief Fire Officer is satisfied that the application complies with this Act, the Fire Code,

guidelines and any other relevant enactment, he shall issue a fire certificate –

(i) in such form and on such conditions; and

(ii) on payment of such fee ,

as may be prescribed.

(ii) by repealing subsection (4);

(iii) in subsection (5C) –

(A) by lettering the existing provision as paragraph (a);

(B) by adding the following new paragraphs –

(b) At the time of applying for the renewal of a certificate, the owner shall –

(i) submit maintenance certificates in respect of all firefighting equipment and the fire alarm system; and

(ii) submit evidence that no alteration has been made to the premises.

(c) The procedures set out in subsection (3) shall apply to an application for renewal, with such modifications, adaptations and exceptions as may be necessary.

(d) After consideration of the application for renewal, the Chief Fire Officer may issue a renewal of the fire certificate –

(i) in such form and on such conditions; and

(ii) on payment of such fee,

as may be prescribed.

- (iv) by inserting, after subsection (5E), the following new subsection –

(5F) An owner shall forthwith cause a fire certificate issued under this section to be displayed in a conspicuous place in the premises in respect of which such certificate is issued.

- (v) in subsection (6) –

- (A) by repealing paragraph (b) and replacing it by the following paragraph –

(b) Where the holder of a fire certificate fails to comply with any conditions imposed in the fire certificate or with this Act, the Fire Code, guidelines or any relevant enactment, the Chief Fire Officer may –

- (i) issue a notice of improvement to the occupier or owner, to take measures in accordance with this Act, within such time as the Chief Fire Officer may require;
- (ii) in the case of premises occupied by more than one occupant, exclude a non-compliant occupier from the occupiers' list attached to the fire certificate; or
- (iii) revoke the fire certificate.

- (B) by adding the following new paragraph –

(c) A notice of improvement issued under paragraph (b)(i) shall be in such form as the Chief Fire Officer may determine.

- (vi) in subsection (8), by deleting the word "Service" and replacing it by the words "Chief Fire Officer";
- (vii) by repealing subsection (9) and replacing it by the following subsection –

(9) (a) Where there are reasonable grounds to believe that there has been a material change of circumstances, the Chief Fire Officer may –

- (i) revoke the fire certificate;
- (ii) vary the conditions applicable to the fire certificate;
- (iii) require the owner to submit a modified fire safety plan for approval;
- (iv) require the owner to apply for a new fire certificate; or
- (v) take such other action as he considers appropriate.

(b) There shall be a material change in circumstances where the owner –

- (i) makes any material extension or material structural alteration to any premises;
- (ii) substantially increases the number of persons employed in any premises; or
- (iii) stores or uses explosive or highly flammable material or materially increases the extent of such storage or use on the premises.

(e) by inserting, after section 19, the following new sections –

19A. Means of escape

(1) Every premises requiring a fire certificate shall be provided with such means of escape, in case of fire or any other emergency, as may be required by the Service.

(2) All means of escape shall be properly maintained and kept free from obstruction.

(3) (a) There shall be provided, in every premises requiring a fire certificate to which persons with impaired vision or hearing or physically handicapped persons have access, such effective means of giving warning, in case of fire, as may be specified in the Fire Code or any guidelines.

(b) (i) The means referred to in paragraph (a) shall be tested by an authorised officer at least once a month to ensure their continued operation;

(ii) A record of any test carried out under subparagraph (i) shall be kept by the owner.

(4) The owner shall –

(a) in every premises requiring a fire certificate, take effective steps to ensure that all occupants are familiar with the means of escape and with the procedures to be followed, in case of fire or any emergency;

(b) in every premises requiring a fire certificate, carry out a fire drill at least once a year, according to an established fire and evacuation plan approved by the Chief Fire Officer, and a record of the drill shall be kept.

(5) Where a ramp is required by the Chief Fire Officer –

(a) it shall have an easy gradient and shall not be steeper than a ratio of 1:12; and

(b) hand rails and non-slip surfaces shall be provided on the ramp.

(6) The owner shall apply for a new fire certificate where he –

(a) makes any material extension or material structural alteration to the premises;

(b) substantially increases the number of persons employed in the premises; or

(c) stores or uses explosive or highly flammable material or materially increase the extent of such storage or use on the premises.

19B. National Electronic Licensing System

Notwithstanding this Act and any regulations made under it, the Chief Fire Officer may –

- (a) authorise an application for a certificate under this Act and the issue of any such certificate; or
- (b) direct the performance of any act or thing which is required to be done under this Act or any regulations made under it,

to be made or done through the National Electronic Licensing System or in such other manner as the Chief Fire Officer may determine.

- (f) by inserting, after section 25, the following new section –

25A. Protection from liability

No civil or criminal action shall lie against the Chief Fire Officer, an authorised officer, any officer or any other person in respect of anything done, or required or ordered to be done, in good faith under this Act.

- (g) by inserting, after section 26, the following new section –

26A. Prosecution

(1) An authorised officer may swear an information and conduct a prosecution in respect of an offence under this Act before a District Magistrate.

(2) A District Magistrate shall have jurisdiction to try all offences under this Act and may impose any penalty and exercise all the ancillary powers provided under this Act.

- (h) in section 27(2), by inserting, after paragraph (a), the following new paragraph, the word “and” at the end of paragraph (a) being deleted –

- (aa) prescribing responsibilities for the provision and maintenance of fire safety measures; and

20. Mauritius Qualifications Authority Act amended

The Mauritius Qualifications Authority Act is amended –

- (a) in section 5, by repealing paragraph (fa);
- (b) in section 10, by repealing subsection (3) and replacing it by the following subsection –

(3) The Director shall be responsible for the execution of the policy and the control and management of the day to day business of the Authority, and for the granting of registration and accreditation under this Act.

- (c) in section 15(1), by repealing paragraph (b).

21. Mauritius Revenue Authority Act amended

The Mauritius Revenue Authority Act is amended, in the Fifth Schedule, in item “Customs Act”, by inserting, after the word “section”, the words “9A(6)(c),”.

22. National Agricultural Products Regulatory Office Act amended

The National Agricultural Products Regulatory Office Act is amended –

- (a) in section 8(1), by adding the following new paragraph, the full stop at the end of paragraph (i) being deleted and replaced by the words “; or” and the word “or” at the end of paragraph (h) being deleted –

(j) export tea products.

- (b) by repealing section 18 and replacing it by the following section –

18. Import and export of regulated product

(1) Any person who intends to import or export, or causes to be imported or exported, a regulated product shall obtain clearance from NAPRO.

(2) An application for clearance pursuant to subsection (1) shall be made in such manner as may be prescribed.

(3) NAPRO may, in such manner as may be prescribed, give or refuse clearance.

23. Non-Citizens (Employment Restriction) Act amended

The Non-Citizens (Employment Restriction) Act is amended, in section 4 –

- (a) by inserting, after subsection (1B), the following new subsections –

(IC) (a) The Ministry shall, not later than 4 working days after the date of receipt of an application made under subsection (1), request the applicant to submit any additional information that may be required to determine the application.

(b) Where the application is complete, the applicant shall pay a processing fee as the Ministry may approve.

(c) The Ministry shall, not later than 3 working days after the effective date of the application, forward the application to the Passport and Immigration Office, or such other public sector agency as may be required, which shall provide its clearance within 5 working days, failing which the clearance shall be deemed to have been obtained.

- (b) in subsection (2), by repealing paragraph (b);

- (c) by adding the following new subsection –

(6) In this section –

“effective date”, in relation to an application, means the date by which payment of processing fee is effected.

24. Occupational Safety and Health Act amended

The Occupational Safety and Health Act is amended –

- (a) in section 2, by deleting the definitions of “protected escape route”, “Service” and “travel distance”;

- (b) by repealing sections 74, 75 and 76;

- (c) in section 87, by repealing subsection (2) and replacing it by the following subsection –

(2) The Permanent Secretary shall, not later than 15 working days after the date of receipt of an application under subsection (1) and after making such enquiries as he may determine –

- (a) grant the permit on payment of the prescribed fee and subject to such conditions as he may determine; or
 - (b) refuse to grant the permit and specify the reason thereof.
- (d) in section 95(1) by deleting the words “, 73 or 75” and replacing them by the words “or 73”;
- (e) by repealing the Twenty-First Schedule.

25. Pharmacy Act amended

The Pharmacy Act is amended –

- (a) in section 2 –
 - (i) in the definition of “guidelines” –
 - (A) in paragraph (a), by inserting, after the words “renewal of,”, the words “clearance,”;
 - (B) by adding the following new paragraphs, the word “and” at the end of paragraph (b) being deleted –
 - (d) listing every fee leviable under the regulations;
 - (e) listing every pharmaceutical product registered for import with the Board, together with their corresponding importers;
 - (f) listing every person eligible to import any poison; and
 - (g) listing every licensee;
 - (ii) by inserting, in the appropriate alphabetical order, the following new definitions –

“authorised officer” means an officer designated by the Board to administer an application for –

 - (a) a clearance under section 25A; or

(b) a permit under sections 26 and 30,

as the case may be, and where applicable, the renewal thereof;

“effective date”, in relation to an application, means the date by which all required documents, information or samples are submitted;

“import” has the same meaning as in the Customs Act;

(b) in section 25A –

(i) in subsection (2), by adding the following new paragraph, the full stop at the end of paragraph (b) being deleted and replaced by a semicolon –

(c) subject to the payment of the prescribed fees.

(ii) by repealing subsections (5) and (6) and replacing them by the following subsections –

(5) (a) The importer shall, on arrival of the consignment of a pharmaceutical product, make an application for clearance.

(b) An application under paragraph (a) shall –

(i) through the TradeNet or in such other manner as the Board may determine, be made in such application form as the Board may approve;

(ii) be accompanied by such other document, including the original invoice, as may be required in the guidelines;

(iii) be subject to the payment of such fees and such other conditions as may be set out in the guidelines.

(c) The authorised officer shall, on receipt of the application, process the application and may grant or

refuse to grant the clearance not later than 2 working days after the effective date of receipt of the application.

(d) For the purpose of paragraphs (c) and (d), the authorised officer shall notify his decision to grant or refuse to grant the clearance, to the Director-General and to the importer, through the TradeNet or in such other manner as the Board may determine.

(e) (i) Any fee payable under this section may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(ii) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to the Board.

(6) Subject to subsection (5)(c), the Director-General shall release or clear the pharmaceutical product imported in accordance with section 25B of the Customs Act.

(c) in section 26 –

(i) by repealing subsection (4) and replacing it by the following subsection –

(4) For the purpose of an application for a permit under this section, the procedures set out in section 25A(5) and (6) of the Act shall apply with such modifications, adaptations and exceptions as may be necessary.

(ii) by repealing subsection (5);

(d) in section 30 –

(i) by repealing subsection (4) and replacing it by the following subsection –

(4) For the purpose of an application for a permit under this section, the procedures set out in section 25A(5) and (6) shall apply with such modifications, adaptations and exceptions as may be necessary.

(ii) by repealing subsection (5).

26. Plant Protection Act amended

The Plant Protection Act is amended –

- (a) in section 2, in the definition of “guidelines” –
 - (i) in paragraph (a), by deleting the words “section 19, 21 or 22” and replacing them by the words “sections 19 to 23”;
 - (ii) by adding the following new paragraphs –
 - (d) listing all fees leviable under this Act; and
 - (e) listing all plants, plant products and other regulated articles under this Act;
- (b) in section 19(1) –
 - (i) by repealing paragraph (aa);
 - (ii) by repealing paragraph (b) and replacing it by the following paragraph –
 - (b) An application for a plant import permit under paragraph (a) shall be made in such manner as may be prescribed.
 - (iii) by repealing paragraphs (c) and (d);
- (c) in section 21, by repealing subsection (1A) and replacing it by the following subsection –
 - (1A) An application for a phytosanitary inspection under subsection (1) shall be made in such manner as may be prescribed.
- (d) in section 22 –
 - (i) by repealing subsection (1A);
 - (ii) by repealing subsection (5) and replacing it by the following subsection –
 - (5) Every application for a phytosanitary certificate under subsection (1) and the payment of the prescribed fee shall be made in such manner as may be prescribed.

- (e) in section 23, by repealing subsection (3) and replacing it by the following subsection –

(3) Every application for a re-export phytosanitary certificate under subsection (1) and the payment of the prescribed fee shall be made in such manner as may be prescribed.

27. Ports Act amended

The Ports Act is amended –

- (a) in section 24(2), by inserting, after the word “writing”, the words “ or in electronic form”;
- (b) in section 36, by adding the following new subsection –

(3) Notwithstanding this Act, the Authority may, for the purpose of facilitating the provision of port services –

- (a) accept the filing, in electronic form, of an application for approval, clearance or authorisation;
- (b) issue, in electronic form, any notice, order, bill, claim, receipt or other document which it is empowered to do under this Act or any regulations;
- (c) issue, in electronic form, any approval, clearance or authorisation;
- (d) make and receive, in electronic form, any payment.

28. Public-Private Partnership Act amended

The Public-Private Partnership Act is amended –

- (a) in section 2 –
 - (i) by deleting the definitions of “affordable”, “asset”, “BOT Projects Unit” and “contingent liability”;
 - (ii) by deleting the definition of “public-private partnership agreement” and replacing it by the following definition –

“public-private partnership agreement” means an agreement between a contracting authority and a private party, approved under this Act, under which –

- (a) the private party undertakes to provide goods, works or other services to the contracting authority for a specified period;
- (b) the private party receives a benefit for providing goods, works or other services, by way of –
 - (i) compensation from a revenue fund;
 - (ii) charges or fees collected by it from users or customers of a service provided by it; or
 - (iii) a combination of compensation and charges or fees;
- (c) State facilities, equipment or other State resources may be transferred or made available to the private party;

(iii) in the definition of “request for proposal”, by deleting the words “the specific terms of”;

(iv) by deleting the definition of “value for money” and replacing it by the following definition –

“value for money” means the net benefit accruing to a contracting authority or users in respect of the provision of goods, works or other services by the private party;

(v) by inserting, in the appropriate alphabetical order, the following new definition –

“PPP” means public-private partnership;

(b) by repealing section 3 and replacing it by the following section –

3. BOT Projects Unit

There shall be, within the Procurement Policy Office, a BOT Projects Unit which shall deal with PPP projects.

(c) by repealing section 3A and replacing it by the following section –

3A. Functions of BOT Projects Unit

The BOT Projects Unit shall –

- (a) formulate policies, directives, procedures and guidelines on PPP projects;
 - (b) issue standard templates for request for proposal and model PPP Agreements;
 - (c) assist a contracting authority in structuring a project to ensure value for money;
 - (d) assist a contracting authority in preparing a request for proposal documentation;
 - (e) conduct training programmes on PPP;
 - (f) maintain a register of projects; and
 - (g) provide such other assistance as may be required to a contracting authority or to the Board.
- (d) by repealing section 4 and replacing it by the following section –

4. Responsibilities of contracting authority

(1) A contracting authority shall, for the purposes of this Act –

- (a) identify a project to be implemented under this Act;
- (b) submit to the BOT Projects Unit a project brief for the registration of a project;
- (c) structure a project, with the assistance of the BOT Projects Unit, to ensure value for money;
- (d) seek approval of Cabinet to proceed with a project;
- (e) seek approval of Cabinet prior to signing an agreement;

- (f) furnish such information, record or other document as the BOT Projects Unit may require with respect to a project.

(2) For the purpose of this Act, a contracting authority shall set up a project team and designate a suitable and qualified project officer who shall be capable of effectively managing a BOT Project.

- (e) by repealing section 5;
- (f) in section 6(1), by deleting the words “performance of one or more of the functions of that contracting authority” and replacing them by the words “provision of goods, works or other services”;
- (g) by repealing sections 8 and 9;
- (h) by repealing section 10 and replacing it by the following section –

10. Powers of Board

The Board –

- (a) shall be responsible for ensuring transparency and equity in the bidding procedures;
 - (b) shall examine and evaluate bids received;
 - (c) shall make recommendations to the contracting authority for entering into negotiations with the preferred bidder; and
 - (d) may approve the award of a project.
- (i) by repealing sections 11 and 14.

29. Radiation Safety and Nuclear Security Act 2018 amended

The Radiation Safety and Nuclear Security Act 2018 is amended, in section 33(1), by deleting the word “licence” and replacing it by the word “permit”.

30. Commencement

(1) Sections 7(a) and (b) and 21 shall come into operation on 3 February 2020.

(2) Section 11 shall come into operation on a date to be fixed by Proclamation.

(3) Section 18(c), (d) and (e) shall come into operation on 1 January 2020.

(4) Section 20(a) shall come into operation on 1 April 2020.

FIRST SCHEDULE

[Section 7(d)]

FOURTH SCHEDULE

[Section 16D(1)(a)]

Coordinated Border Management Unit

1. Customs
2. The Ministry of Environment
3. The Ministry of Industry, Commerce and Consumer Protection
4. The Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping
5. The Dangerous Chemicals Control Board (Ministry of Health and Quality of Life)
6. The Division of Veterinary Services (the Ministry of Agro-Industry and Food Security)
7. The Food Import Unit (Ministry of Health and Quality of Life)
8. The Information and Communication Technologies Authority
9. The Mauritius Standards Bureau
10. The National Agricultural Products Regulatory Office (the Ministry of Agro Industry and Food Security)
11. The National Plant Protection Office (Ministry of Agro-Industry and Food Security)
12. The Pharmacy Board (Ministry of Health and Quality of Life)

- 13.** The Radiation Safety and Nuclear Security Authority (Ministry of Energy and Public Utilities)
-

SECOND SCHEDULE

[Section 9(d)]

FIRST SCHEDULE

[Section 13]

PART I – CRITERIA FOR REGISTRATION WITH THE ECONOMIC DEVELOPMENT BOARD

1. Investor
 - (1) Initial investment of USD 100,000 or its equivalent in freely convertible foreign currency
 - (2) For renewal –
 - (a) a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year; or
 - (b) in relation to an investment having a project value exceeding 20 million rupees, such conditions as the Chief Executive Officer may determine.

2. Investor already operating but not registered with the Economic Development Board
 - (1) Upon initial application –
 - (a) net asset value of at least USD 100,000 or its equivalent in freely convertible foreign currency; and
 - (b) cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit
 - (2) For renewal, a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year.

3. Investor who has inherited a business in case of death or incapacity of the previous investor
- (1) Upon initial application –
- (a) net asset value of at least USD 100,000 or its equivalent in freely convertible foreign currency; and
- (b) cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit
- (2) For renewal, a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year.
4. Investor in high technology machines and equipment
- (1) Initial investment of USD 100,000 or its equivalent in freely convertible foreign currency, of which –
- (a) a minimum transfer of at least USD 25,000 shall be made; and
- (b) the equivalent of the remaining value in high technology machines and equipment, subject to such criteria as the Chief Executive Officer may determine
- (2) For renewal, a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year.
5. Investor for innovative start-ups
- (1) (a) Initial investment of USD 40,000 or its equivalent in freely convertible currency and a minimum operation expenditure of 20 per cent on research and development
- or
- (b) Registered with an incubator accredited with the Mauritius Research Council and a minimum operation expenditure of 20 per

- cent on research and development
- (2) For renewal, such conditions as the Chief Executive Officer may determine
- 6.** Investor
 (only company incorporated under the Companies Act on or after 8 June 2017) operating a food processing plant for food processing activities and for the manufacture of products from agricultural and medicinal plants and herbs either as intermediate goods or finished products
- (1) Goods shall be produced by a process involving a value addition of not less than 20 per cent of the ex-factory cost of the finished product
- (2) Goods intended for export shall satisfy the rules of origin of preferential markets
 and
- (3) At least 50 per cent of the final products manufactured by the company are exported, after 2 years as from the date from which the company starts its operation
- 7.** Investor (company only) for the setting up of a film studio in Mauritius
- (1) Investment of at least one billion rupees or its equivalent in freely convertible foreign currency
 and
- (2) Investor to provide facilities to film production companies
- 8.** Any other investor Project value exceeding 20 million rupees
- 9.** Professional in –
- (a) information and communication technologies (ICT) sector or business process outsourcing (BPO) sector Monthly basic salary of at least 30,000 rupees

- (b) any other sector Monthly basic salary at least 60,000 rupees
10. Young professional Completion of at least an undergraduate degree in a local tertiary education institution recognised by the Tertiary Education Commission in any field listed in Part II of the Schedule to the Immigration Act
11. Self-employed person (1) (a) Initial investment of USD 35,000 or its equivalent in freely convertible foreign currency at the time of issue of occupation permit
- and
- (b) Engaged in services sector only
- (2) For renewal, a cumulative business income of at least 2,400,000 rupees during the 3 years preceding the application for occupation permit and with a business income of at least 600,000 rupees per year
12. Retired non-citizen (1) An initial transfer of at least USD 1,500 or its equivalent in freely convertible foreign currency at the time of issue of residence permit
- and
- (2) (a) Thereafter a monthly transfer of at least USD 1,500 or its equivalent in freely convertible foreign currency
- or
- (b) Thereafter, transfer of such amounts, by instalments or otherwise, the aggregate of which shall be at least USD 54,000 or its equivalent in freely convertible foreign currency, during the 3 years' validity of the residence permit

PART II – CRITERIA FOR ELIGIBILITY FOR PERMANENT RESIDENCE PERMIT

1. Investor (1) Holder of an occupation permit as investor
- and

- (2) An aggregate turnover of at least 45 million rupees for any consecutive period of 3 years
2. Investor with a minimum investment of USD 500,000 An investor who invests at least USD 500,000 in a qualifying business activity
3. Professional (1) Holder of an occupation permit as professional
- and
- (2) Monthly basic salary of at least 150,000 rupees for 3 consecutive years immediately preceding the application
4. Self-employed non-citizen (1) Holder of an occupation permit as self-employed
- and
- (2) Annual income at least 3 million rupees for 3 consecutive years immediately preceding the application
5. Retired non-citizen (1) Holder of a residence permit as retired non-citizen for 3 years
- and
- (2) Transfer of such amounts, by instalments or otherwise, the aggregate of which shall be at least USD 54,000 or its equivalent in freely convertible foreign currency, during the period of 3 years
-