

The Finance Bill
(No. XXI of 2003)

Explanatory Memorandum

The object of this Bill is to provide for the implementation of measures announced in the Budget Speech and for the strengthening and streamlining of certain provisions relating mainly to revenue and public finance.

4 July 2003

P. R. BERENGER
*Deputy Prime Minister
and Minister of Finance*

THE FINANCE BILL
(No XXI of 2003)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. The Banking Act amended
 3. The Bank of Mauritius Act amended
 4. The Civil Aviation Act amended
 5. The Customs Act amended
 6. The Customs Tariff Act amended
 7. The Excise Act amended
 8. The Freeport Act 2001 amended
 9. The Income Tax Act amended
 10. The Industrial and Vocational Training Board Act amended
 11. The Investment Promotion Act amended
 12. The Land (Duties and Taxes) Act amended
 13. The Legal Aid Act amended
 14. The Loans Act amended
 15. The Pensions Act amended
 16. The Registration Duty Act amended
 17. The Stock Exchange Act amended
 18. The Unified Revenue Act amended
 19. The Value Added Tax Act amended
 20. Validation of resolution
 21. Commencement
-

A Bill

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

ENACTED by the Parliament of Mauritius as follows -

1. Short title

This Act may be cited as the Finance Act 2003.

2. The Banking Act amended

The Banking Act is amended in Part VII, by inserting immediately before section 34, the following new section -

33A. Derogations from articles 1659, 1660, 1661, 1673, 2087 and 2088 of the Code Civil Mauricien for the purposes of repurchase transactions

(1) Pursuant to the second alinea of article 2094 of the Code Civil Mauricien and notwithstanding any other enactment -

(a) articles 1659, 1660, 1661 and 1673 of the Code Civil Mauricien shall not apply to commercial contracts involving purchases made with a provision for repurchase of -

(i) Treasury Bills;

(ii) Bank of Mauritius Bills; or

(iii) such other instruments as the central bank may specify,

among banks and such other financial institutions as the central bank may specify; and

(b) articles 2087 and 2088 of the Code Civil Mauricien shall not apply to securities given for the repurchase of instruments referred to in paragraph (a).

(2) The Central Bank shall, by direction, specify the terms and conditions under which repurchase transactions may be entered into.

3. The Bank of Mauritius Act amended

The Bank of Mauritius Act is amended -

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

“Bill” means a Bank of Mauritius Bill issued under section 12A;

- (b) in section 12, by inserting immediately after subsection (n), the following new subsection -

(na) issue Bank of Mauritius Bills;

- (c) by inserting immediately after section 12, the following new section -

12A. Bank of Mauritius Bills

(1) The Bank may raise, for monetary policy purposes, loans by the issue of Bank of Mauritius Bills.

(2) Every Bill shall -

- (a) be issued by the Bank in such form and subject to such conditions as may be determined by the Bank;
- (b) be in such multiples and currencies as may be determined by the Bank;
- (c) be payable at par at the Bank; and
- (d) specify the date of its maturity.

(3) A Bill may be redeemed, before the date of its maturity, on such terms and conditions as may be agreed.

(4) The proceeds of the issue of Bills shall be paid to the Bank.

(5) Every Bill shall, on redemption, be cancelled by the Bank.

4. The Civil Aviation Act amended

The Civil Aviation Act is amended in section 11, in subsection (2), by deleting the words "and the making of charges" and replacing them by the words ", the making of charges and the non-application of the surcharge leviable under the Finance Act 1980 and the Finance Act 1981".

5. The Customs Act amended

The Customs Act is amended -

- (a) in section 19, by repealing subsection (3) and replacing it by the following subsections -

(3) Where the importer disputes the value of the goods determined by the Comptroller, the importer may ask for the review of the notice under subsection (2), within 28 days of the date of the notice and shall for that purpose lodge with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act, written representations specifying precisely the reasons thereof.

(4) Any dispute on valuation of goods pending immediately before the commencement of subsection (3) shall, on the commencement of that subsection, be deemed to have satisfied the requirements for the lodging of a review before the Assessment Review Committee under that subsection.

- (b) by deleting section 20 and replacing it by the following section -

20. Disputes relating to classification or origin of goods

(1) Where in respect of an entry of any goods, the Comptroller is not satisfied with the classification or origin of the goods, he shall, on the basis of such information as is available to him and on such information as is provided by the importer or exporter, determine the classification or origin of those goods.

(2) On a determination under subsection (1), the Comptroller shall give to the importer or exporter notice in writing thereof.

(3) Where the importer or exporter disputes the classification or origin of the goods as determined by the Comptroller under subsection (1), the importer or exporter may ask for the review of the notice under subsection (2), within 28 days of the date of the notice and shall for that purpose lodge with the Secretary, Assessment Review Committee, in accordance with section 8E of the Unified Revenue Act, written representations specifying precisely the reasons thereof.

(4) Any dispute on classification or origin of goods, pending immediately before the commencement of this section shall, on the commencement of this section be deemed to have satisfied the requirements for the lodging of a review before the Assessment Review Committee under subsection (3).

- (c) in section 43A(5), by deleting the words “ 50,000 rupees” and replacing them by the words “ 200,000 rupees”;

- (d) in section 49, by deleting subsection (1) and replacing it by the following subsection -
- (1) The master, owner or duly authorised agent of every ship or aircraft arriving from ports or airports beyond the seas shall make report to the Comptroller by delivering a full and complete inward manifest, both in electronic form and hard copy or in any other manner acceptable to the Comptroller, in respect of the ship or aircraft, its cargo and passengers -
- (a) in the case of a ship -
- (i) arriving from Reunion Island, not later than 5 hours before arrival; or
- (ii) arriving from any other port, not later than 24 hours before arrival;
- (b) in the case of an aircraft -
- (i) arriving from Reunion Island, upon arrival; or
- (ii) arriving from any other airport, not later than one hour before arrival.
- (e) in section 127A(2), by deleting the words “20,000 rupees” and replacing them by the words “200,000 rupees”;
- (f) in section 158 -
- (i) in subsection (1) -
- (A) in paragraph (c), by deleting the word “or” appearing at the end;
- (B) by deleting paragraph (d) and replacing it by the following paragraphs -
- (d) smuggles out of Mauritius any goods or exports any prohibited or restricted goods; or
- (e) unlawfully removes any goods from, or who cannot satisfactorily account for goods in, a bonded warehouse or duty free shop,

- (ii) by adding immediately after subsection (4), the following new subsection -
 - (5) (a) For the avoidance of doubt and notwithstanding any other provision of this Act, the expression "Every person" in subsection (3) shall be construed as including an agent or a broker acting as such on behalf of an importer or exporter.
 - (b) Where an agent or a broker is prosecuted for an offence under subsection (3), he shall, on conviction, be liable to a fine not exceeding 200,000 rupees.

6. The Customs Tariff Act amended

The Customs Tariff Act is amended in section 5, by inserting immediately after subsection (3), the following new subsection -

(3A) Where the National Transport Authority revokes the licence of a taxi-owner driver who has benefited from an exemption or remission of duty and excise duty in respect of his motorcar within a period of 4 years of its importation, in circumstances which would render the taxi-owner driver not eligible to the exemption or remission, he shall pay the duty and excise duty which would have been payable but for the exemption or remission.

7. The Excise Act amended

The Excise Act is amended -

- (a) in section 2 -
 - (i) in the definition of "bottling premises", by deleting the words "alcoholic products" and replacing them by the words "liquor and alcoholic products";
 - (ii) by deleting the definitions of "alcoholic beverage", "cider", "compounded spirits", "country liquor", "liquor", "local rum", "rum" and "wine";
 - (iii) by inserting in their appropriate alphabetical order, the following definitions -

"agricultural rum" means a product obtained exclusively from alcoholic fermentation and distillation of sugar cane juice, having the aromatic characteristics specific to rum and a content of volatile substances equal to or exceeding 225 grams per hectolitre of alcohol of 100 per cent by volume and when bottled for consumption has a minimum alcoholic strength of 37 per cent by volume and a maximum of 50 per cent by volume;

“alcoholic beverage” means a beverage having an alcoholic strength of not more than 9 per cent of alcohol by volume but does not include beer and spirit cooler;

“alcoholic products” means agricultural rum, compounded spirits, island recipe rum, local rum and rum;

“cider” means an alcoholic beverage made from the fermentation of apples or concentrated apple juice;

“compounded spirits” means rum, local rum or agricultural rum compounded into a product of a different flavour, taste or colour and having an alcoholic strength of not less than 37 per cent and not more than 50 per cent of alcohol by volume;

“country liquor” means a product having an alcoholic strength of not less than 9 per cent and not more than 15 per cent of alcohol by volume obtained from the fermentation of sugar or of any plant, fruit or fruit must other than grape must, fresh grapes or sound grapes;

“island recipe rum” means a product having an alcoholic strength of not less than 30 per cent and not more than 40 per cent of alcohol by volume and obtained by mixing agricultural rum, rum or local rum with fruits, sugar, spices with or without flavouring substances;

“liquor” -

(a) means any beverage having an alcoholic strength of not less than 2 per cent of alcohol by volume; but

(b) does not include alcoholic products;

“local rum” means a product having an alcoholic strength of not less than 37 per cent and not more than 50 per cent of alcohol by volume obtained by diluting alcohol produced from the fermentation and distillation of sugar cane or its derivatives;

“rum” means a product obtained from alcoholic fermentation and distillation of either molasses or syrup produced in the manufacture of cane sugar or of sugar cane juice itself and distilled at less than 96 per cent of alcohol by volume so that the distillate has the discernible specific organoleptic characteristics of the raw materials used and when bottled for consumption has an alcoholic strength of not less than 37 per cent and not more than 50 per cent of alcohol by volume;

“spirit cooler” means a product, whether carbonated or not, having an alcoholic strength of not more than 9 per cent of alcohol by volume obtained by mixing a spirit, liqueur, or other spirituous beverage, falling under Tariff Heading 22.08 of the First Schedule to the Customs Tariff Act with flavours and or other non-alcoholic beverages;

“value at importation” means -

- (a) in the case of second hand motor vehicles or used motor vehicles, the value determined in such manner as may be prescribed; or
- (b) in any other case, the value under the Customs Act;

“wine” means a product having an alcoholic strength of not less than 9 per cent and not more than 18 per cent of alcohol by volume obtained from the fermentation of the juice of fresh grapes, sound grapes, or grape must (whether condensed or concentrated), without any other addition or abstraction thereto except as may occur in normal cellar treatment provided that -

- (a) the product may be ameliorated before, during or after fermentation by the use of pure dry cane sugar, a combination of water and pure dry cane sugar, liquid sugar, sugar syrup, grape juice or concentrated grape must so that the total solids of the wine shall in no case exceed 21 per cent by weight;
- (b) the maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be more than 0.14 gram per 100 cubic centimetres at 20 degrees centigrade; and
- (c) the maximum sulphur dioxide content shall not be greater than 350 parts per million of total sulphur dioxide or sulphites expressed as sulphur dioxide;

(b) in the First Schedule -

- (i) by deleting the items and the corresponding entries relating to those items, specified in Part A of the First Schedule to this Act;
- (ii) by inserting in their appropriate numerical places, the items and the corresponding entries relating to those items, specified in Part B of the First Schedule to this Act;
- (iii) by inserting in their appropriate numerical places, the items and the corresponding entries relating to those items, specified in the Second Schedule to this Act;

(c) by deleting the Second Schedule and replacing it by the Third Schedule to this Act.

8. The Freeport Act 2001 amended

The Freeport Act 2001 is amended -

- (a) in section 2, in the definition of "member", by adding immediately after the word "Chairperson", the words "and the Vice-Chairperson";
- (b) in section 5(2), by inserting immediately after paragraph (a), the following new paragraph -
 - (aa) a Vice-Chairperson appointed by the Minister;
- (c) in section 8 -
 - (a) by deleting subsection (2) and replacing it by the following subsection -
 - (2) (a) In the absence of the Chairperson at a meeting of the Board, the Vice-Chairperson shall chair the meeting of the Board.
 - (b) In the absence of both the Chairperson and the Vice-Chairperson at a meeting of the Board, the members present shall elect a member to chair the meeting of the Board.
 - (b) in subsection (4)(b), by deleting the words "Chairperson of the meeting" and replacing them by the words "person who chairs the meeting";
- (d) in section 10(2)(a), by deleting the words "by any other member appointed by the Board for that purpose" and replacing them by the words "by the Vice-Chairperson, or, in the absence of both the Chairperson and Vice-Chairperson, by any other member appointed by the Board for that purpose";
- (e) in section 19 -
 - (i) in subsection (3), by deleting paragraph (a) and replacing it by the following paragraph -
 - (a) The Board may, subject to such terms and conditions as it may impose -
 - (i) authorise a third party freeport developer to provide warehousing facilities in a freeport zone -
 - (A) to an export enterprise for the storage of duty free goods; or
 - (B) to any other enterprise outside the freeport zones for the storage of goods;

- (ii) authorise an enterprise to carry out an activity in a freeport zone for the provision of support services to a licensee or to any person within or outside the freeport zones; or
 - (iii) authorise a private freeport developer or freeport operator to provide goods and services to a person outside the freeport zone.
- (ii) in subsection (5)(a), in subparagraphs (i) and (ii), by inserting immediately after the words "goods re-exported or exported", the words ", or 20 per cent of the annual turnover of services provided,";
- (f) in section 21 -
 - (a) in subsection (5) -
 - (i) in paragraph (a) -
 - (A) by deleting the words "for a freeport developer" and replacing them by the words "for a licence of freeport developer or freeport operator engaged in manufacturing or processing activities";
 - (B) by inserting immediately after the words "within 30 days of the", the word "effective";
 - (ii) in paragraph (b), by inserting immediately after the words "within 15 days of the", the word "effective";
 - (b) by adding immediately after subsection (5), the following new subsection -
 - (6) For the purposes of subsection (5), "effective date" means the date by which all the information, particulars and documents specified in the application form or the further information sought under subsection (3) are submitted.

9. The Income Tax Act amended

The Income Tax Act is amended -

- (a) in section 2 -
 - (i) in the definition of "child", by adding immediately after paragraph (b), the following new paragraph -
 - (c) an unmarried child placed in foster care of the person by virtue of an order of a court of competent jurisdiction;

- (ii) in the definition of “emoluments”, by adding immediately after subparagraph (iv), the following new subparagraph, the word “and” at the end of subparagraph (iii) being deleted accordingly -
 - (v) an allowance under the Rodrigues Regional Assembly (Allowances and Privileges) Act 2002;
- (iii) by deleting the definition of “related company” and replacing it by the following definition -

“related company” has the meaning assigned to it by section 2(2) of Companies Act 2001;
- (b) in section 6 -
 - (i) in subsections (2) and (3), by deleting the words “official exchange rate” and replacing them by the words “exchange rate”;
 - (ii) in subsection (4), by deleting 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” and replacing them by the words “at the exchange rate in force at the date on which the return of income is submitted to the Commissioner”;
- (c) in section 17(1) -
 - (i) in paragraph (b), by inserting immediately after the words “recognised professional body”, the words “or for the payment of membership fees of a recognised professional body”;
 - (ii) in paragraph (c), by deleting the words “20,000 rupees” and replacing them by the words “30,000 rupees”;
- (d) in section 26(3) by deleting the words “the gross income shall be allowed in such proportion and in such manner as may be prescribed” and replacing them by the words “the exempt income shall be disallowed in such proportion as may be prescribed”;
- (e) in section 37C -
 - (i) in subsection (1), by inserting immediately after the words “in respect of any”, the words “subscription, examination or course”;
 - (ii) in subsection (2), by deleting the words “25,000 rupees” and replacing them by the words “50,000 rupees”;

- (f) in section 46 -
- (i) by deleting subsection (2) and replacing it by the following subsection -
- (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 hold 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.
- (ii) in subsection (4)(b), by inserting immediately after the words "the aggregate amount", the words "of income";
- (iii) in subsection (5), by inserting immediately after the word "amount", the words "of income";
- (g) by deleting section 49 and replacing it by the following section -

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 under the Investment Promotion Act; and
- (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 2001.

(h) by inserting immediately after section 59, the following new section -

59A. Transfer of loss on takeover

(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.

(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) Where, at any time before the expiry of 3 years from the date of the takeover, more than 50 per cent of the employees of the acquiree taken over by the acquirer 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.

(i) by inserting immediately after section 69, the following new section -

69A. Special tax credit for investment in spinning 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 spinning 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 spinning 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 spinning company reduces its capital and makes a repayment to the shareholder; or
- (c) the trade carried on by the spinning 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.

(j) in section 100, by inserting immediately after subsection (1), the following new subsections -

(1A) Every person registered as an employer for the purposes of PAYE who, at any time, has in his employment 50 or more employees shall, unless otherwise authorised, submit his PAYE return and remit the tax withheld electronically through such computer system as may be approved by the Commissioner under section 128A(1).

(1B) Every employer, irrespective of the number of employees in his employment, who submits his PAYE return and remits the tax withheld in the manner specified in subsection (1A), shall -

- (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
- (b) continue to submit his PAYE return and remit the tax withheld electronically until such time as he ceases to be an employer.

- (k) in section 116, by adding immediately after subsection (2), the following new subsection -

(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 Commissioner.

- (l) by inserting immediately after section 131B, the following new section -

131C. Objection to determination of loss

(1) Where a person is dissatisfied with a determination by the Commissioner 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 by letter sent to the Commissioner by registered post specifying in his letter of objection the detailed grounds of the objection.

(2) An objection under subsection (1) shall be dealt with by an objection unit set up by the Commissioner for that purpose.

(3) (a) Where it is proved to the satisfaction of the Commissioner 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 Commissioner may consider the objection on such terms and conditions as he thinks fit.

(b) Where the Commissioner 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.

- (m) in section 134, by deleting the words "sections 20, 59, 98, 114(2), 123(4), 127(2), 131A and 131B" and replacing them by the words "sections 98, 114(2), 123(4), 127(2), 131A, 131B and 131C";

- (n) in section 161A, by inserting immediately after subsection (5), the following new subsections -

(6) Section 30(2) and (3) shall not apply in respect of loans raised prior to 1 June 1996.

(6A) Subject to subsections (2), (3), (4) and (5) of section 30, any interest paid -

- (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,

prior to 1 July 1999 shall qualify as a deduction under that section.

(o) in the First Schedule, in Part IV -

- (i) in item 32, by inserting immediately after the words “engaged in the provision of”, the words “pre-primary, primary,”;
- (ii) by adding immediately after item 41, the following new item -
 - 42. 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.

(p) in the Second Schedule -

- (i) in Part I -
 - (A) in item 29, by adding immediately after paragraph (c), the following new paragraph -
 - (d) 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.
 - (B) by deleting item 30;
 - (C) by adding immediately after item 32, the following new item -
 - 33. (a) A company engaged in spinning, 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.
- (ii) in Part II -
 - (A) in item 4, by deleting the words "one million rupees" and replacing them by the words "1,400,000 rupees";
 - (B) in item 5, by deleting the words "one million rupees" and replacing them by the words "1,400,000 rupees";
 - (C) in item 10, in paragraph (c), by deleting the words "5,730 rupees" and replacing them by the words "6,200 rupees";
- (iii) in Part IV, by adding immediately after item 21, the following new item -
 - 22. (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.
 - (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.
- (q) by deleting the Third Schedule and replacing it by the Fourth Schedule to this Act;
- (r) in the Fourth Schedule, in Part I, by deleting the words "6,000 rupees", "5,000 rupees" and "8,500 rupees" and replacing them by the words "7,000 rupees", "5,700 rupees" and "9,100 rupees" respectively.

10. The Industrial and Vocational Training Board Act amended

The Industrial and Vocational Training Board Act is amended in section 14(3), by deleting paragraph (b) and replacing it by the following paragraph -

- (b) be paid at the end of the completed month and in any case -
 - (i) where the levy is paid electronically, not later than the end of the month following the end of the completed month; or
 - (ii) where the levy is paid other than electronically, not later than 20 days after the end of the completed month;

11. The Investment Promotion Act amended

The Investment Promotion Act is amended by deleting section 24 and replacing it by the following section –

24. Cessation or transfer of business

Where a holder of an investment certificate -

- (a) being an employer of not less than 10 employees, intends to reduce the number of employees in his employment either temporarily or permanently;
- (b) intends to cease activities at any of his places of business; or
- (c) intends to cease or transfer his business,

he shall immediately give notice in writing thereof to the Managing Director and to the relevant Ministry.

12. The Land (Duties and Taxes) Act amended

The Land (Duties and Taxes) Act is amended -

- (a) in section 12, by inserting in its appropriate alphabetical order, the following new definition -
 - “owner”, in relation to a campement, includes -
 - (a) in the case of a bungalow or a group of bungalows, or apartments, located on a leasehold campement site situate on pas géométriques, the holder of the title deed of each bungalow or apartment, as the case may be; or

- (b) in the case of a bungalow or a group of bungalows, or apartments, located on a campement site owned or leased by a *société* or partnership where the associate or partner does not hold the title deed of the bungalow or apartment, the associate or partner in proportion to his share in the *société* or partnership;
- (b) in section 13, by inserting immediately after subsection (5), the following new subsection -
 - (5A) Where a campement is situated on a campement site which is used for agricultural or grazing purposes, the value of the campement for the purposes of this section shall be computed by reference to the market value of the building or structure thereon together with the campement site on which it is situated, the extent of which shall be 1A 25 (0.5276 hectare).
- (c) in section 45A, by deleting subsection (5) and replacing it by the following subsection -
 - (5) Where after the registration of a deed of transfer or of a deed creating a mortgage or a fixed charge (*sûreté fixe*), the Receiver of Registration Dues is satisfied that any statement contained in or attached to the deed is incorrect, he shall, by written notice sent by registered post, claim the duty and taxes leviable under this Act together with a penalty equal to 20 per cent of the amount of duty and taxes leviable.
- (d) by deleting the Second and Third Schedules and replacing them by the Fifth Schedule to this Act.

13. The Legal Aid Act amended

The Legal Aid Act is amended in section 4(b), by deleting the words "50,000 rupees" and "3,500 rupees" and replacing them by the words "75,000 rupees" and "5,000 rupees" respectively.

14. The Loans Act amended

The Loans Act is amended in section 7(1)(a), by deleting the words "3,500 million rupees" and replacing them by the words "7,500 million rupees".

15. The Pensions Act amended

The Pensions Act is amended -

- (a) in section 6(1), in paragraph (g), by deleting the words "public interest" and replacing them by the words "interest of the service";
- (b) in section 7, by deleting the words "public interest" wherever they appear and replacing them by the words "interest of the service";
- (c) in section 8(2), by deleting paragraph (c);

- (d) in section 17(1) -
 - (i) in subparagraph (i), by deleting the words “and of good character”;
 - (ii) in subparagraphs (v) and (vi), by deleting the words “while of good character and without adequate means of support” and replacing them by the words “who is without adequate means of support”;

16. The Registration Duty Act amended

The Registration Duty Act is amended -

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

“manufacturing company” means a company engaged -

- (a) in the transformation of materials or semi-processed materials into finished or semi-finished goods; or
- (b) in the assembly of parts into a piece of machinery or equipment or other product,

provided that its annual turnover in respect of such activities shall be at least 75 per cent of its total turnover;

- (b) in section 36 -
 - (i) in paragraph (b), by inserting immediately after subparagraph (ix), the following new subparagraph, the word “and” in subparagraph (viii) being deleted and the full stop in subparagraph (ix) being deleted and replaced by a semi colon -
 - (x) where the transfer is made without consideration, the open market value of the land and separately the open market value of any building on it.
 - (ii) in paragraph (h)(iii), by deleting the words “as defined in the Income Tax Act”;
- (c) in the First Schedule -
 - (i) in Part I -
 - (A) in paragraph I, by adding immediately after item 13, the following new item -
 - 14. Any deed of transfer without consideration, other than a deed of transfer referred to in section 3(1)(b), where the open market value of the property does not exceed 100,000 rupees.

- (B) in paragraph J -
 - (aa) in item 8(b)(ii), by deleting the words “as defined in the Income Tax Act”;
 - (ab) by adding immediately after item 15, the following new item -
 - 16. Any deed of transfer without consideration, other than a deed of transfer referred to in section 3(1)(b), where the open market value of the property exceeds 100,000 rupees.
- (ii) in Part II, by adding after item 33, the following new item -
 - 34. (a) Subject to paragraph (b), any document witnessing a transfer at a nominal price of one rupee to an “*association syndicale*” set up in accordance with articles 664-95 and 664-96 of the Code Civil Mauricien, in respect of an area occupied by common amenities in a morcellement.
 - (b) The fixed duty shall be payable in respect of every lot in the morcellement.

17. The Stock Exchange Act amended

The Stock Exchange Act is amended in section 2, in the definition of “securities”, by inserting immediately after paragraph (b), the following new paragraph -

- (ba) Bank of Mauritius Bills issued by the Bank of Mauritius;

18. The Unified Revenue Act amended

The Unified Revenue Act is amended in section 8E -

- (a) in subsection (12) -
 - (i) by deleting paragraph (b) and replacing it by the following paragraph -
 - (b) of a revenue Commissioner which is a decision relating to the compounding of an offence under the Acts specified in the Third Schedule;
 - (ii) in paragraph (c), by deleting the words “the police for enquiry” and replacing them by the words “the Director-General”;

- (b) by inserting immediately after subsection (12), the following new subsection -
- (12A) (a) The Chairman of the Tax Appeal Tribunal under the repealed Tax Appeal Tribunal Act shall transfer to the Committee -
- (i) appeals pending in respect of which no hearing has commenced on the coming into operation of this subsection; and
 - (ii) on 1 August 2004, all remaining appeals pending as at 31 July 2004.
- (b) Any division of the Committee to which an appeal transferred under paragraph (a) has been referred shall give its decision not later than 12 months after the start of the hearing by the division.

19. The Value Added Tax Act amended

The Value Added Tax Act is amended -

- (a) in section 6, by deleting subsections (3), (4) and (5);
- (b) in section 14(1), by deleting the words “a supply of services” and replacing them by the words “a taxable supply of services”;
- (c) in section 19(3), by deleting the words “item 1” and replacing them by the words “items 1 and 4”;
- (d) in section 20(7), by deleting the words “item 1” and replacing them by the words “items 1 and 4”;
- (e) in section 21(2), by adding after paragraph (g), the following new paragraph, the word “and” in paragraph (f) being deleted and the full-stop at the end of paragraph (g) being deleted and replaced by the word “;and” -
 - (h) goods and services used by persons for the purpose of providing services specified in item 4 of Part II of the Tenth Schedule, or services specified in item 4 of Part II of the Tenth Schedule.
- (f) in section 23 -
 - (i) by numbering the existing provision as subsection (1);

(ii) by adding after the new subsection (1), the following new subsection -

(2) Notwithstanding section 21(5)(a), any registered person may, in the statement under subsection (1), take as a credit against his output tax for the taxable period, the amount of input tax allowable to him during that period provided that the amount of input tax is duly supported by receipts or invoices issued by VAT registered persons and the amount of VAT is separately shown thereon.

- (g) in section 24, by adding at the end of subsection (9), the words “provided that the penalty shall not exceed 200,000 rupees”;
- (h) in section 38(2)(c), by deleting the words “any penalty under section 27” and replacing them by the words “any penalty under sections 24(9) and 27”;
- (i) in section 45(1), by deleting the words “tax liability is discharged” and replacing them by the words “tax liability is not discharged”;
- (j) in section 63(2), in paragraph (a) by inserting after the word “business”, the words “, other than those specified in section 21(2)(b)”;
- (k) in the First Schedule -
- (i) in item 11, by deleting the words “by the producers”;
- (ii) by inserting immediately after item 26, the following new item -
- 26A. Sharlon shade, greenhouse, shade screens, fertigation pumps, irrigation pumps, drip irrigation and automatic irrigation controllers imported by persons for use in agriculture under item No. E12.
- (iii) in item 43, by deleting the words “The transport of passengers by sea or air and cargo handling services” and replacing them by the words “Cargo handling services”;
- (iv) in item 50(f), by deleting the words “insurance agents” and replacing them by the words “an insurance agent, insurance broker or insurance salesman”;
- (v) by adding at the end of the Schedule immediately after paragraph (h), the following new paragraph -
- (i) “services” in item 50(f) in relation to -
- (i) an insurance agent, shall not include services in respect of contracts of life insurance entered into prior to 10 January 2003; or

- (ii) an insurance broker or insurance salesman, shall not include services in respect of contracts of life insurance entered into prior to 1 October 2003.

(l) in the Fifth Schedule -

- (i) in item 2, by adding in paragraph (i) after the words "heading No 49.01", the words "and atlases of H.S. Code 4905.911";
- (ii) in item 3, by deleting the word "goods" and replacing it by the words "passengers and goods";

(m) in the Ninth Schedule, by adding the following new item -

10. Any company engaged wholly and exclusively in the registration and processing in Mauritius of bets placed on overseas sporting events by persons residing outside Mauritius.	Services provided by banks in respect of a credit card or debit card accepted by the company as payment for the supply of services it provides.
--	---

(n) by deleting the Tenth Schedule and replacing it by the Sixth Schedule to this Act;

(o) in the new Tenth Schedule -

- (i) in Part I, by adding after item 22, the following new items -

23. General sales agent of airlines
24. Car rental

(ii) in Part II -

(A) by deleting item 2 and replacing it by the following item -

2. (a) Insurance agent under the Insurance Act except the business in respect of contracts of life insurance entered into prior to 10 January 2003
- (b) Insurance broker under the Insurance Act except the business in respect of contracts of life insurance entered into prior to 1 October 2003

(B) by adding after item 3, the following new item -

4. Services in respect of credit cards issued by companies other than banks to merchants accepting such credit cards as payment for the supply of goods or services

(iii) by adding at the end of the Schedule, the following -

Note: - For the purposes of item 2(a) of Part II, no adjustment or refund shall be allowed in respect of the period prior to 1 September 2003.

20. Validation of resolution

The financial resolution adopted by the National Assembly on 9 June 2003 is validated.

21. Commencement

- (1) Sections 4, 9(l) and (m) shall be deemed to have come into operation on 1 July 2003.
- (2) Section 7(b)(i) and (ii) shall be deemed to have come into operation on 10 June 2003.
- (3) Sections 7(c) and 19(k)(iii) and (l)(ii) shall come into operation on 1 January 2004.
- (4) Section 8(e)(i) in so far as it relates to paragraph (a)(i)(B) as inserted in section 19(3) of the Freeport Act 2001 shall come into operation on 1 July 2004.
- (5) Section 9(a)(i), (c), (e), (p)(ii) in so far as it relates to subparagraph (C), (q) and (r) shall be deemed to have come into operation as from the income year commencing 1 July 2003.
- (6) Section 9(a)(ii) shall be deemed to have come into operation on 8 October 2002.
- (7) Section 9(a)(iii), (b), (d), (f), (g), (h), (i), (o) and (p)(i)(A) and (C) shall be deemed to have come into operation as from the year of assessment commencing 1 July 2003.
- (8) Sections 9(j) and (k), 10 and 19(k)(v) in so far as it relates to paragraph (i)(i) as inserted in the First Schedule to the Value Added Tax Act and (o)(ii)(A) in so far as it relates to item 2(a) and (iii) as amended and added in Part II of the new Tenth Schedule to the Value Added Tax Act shall come into operation on 1 September 2003.
- (9) Section 9(n) shall be deemed to have come into operation as from the income year commencing 1 July 2001.
- (10) Section 9(p)(i)(B) and (iii) shall be deemed to have come into operation on 20 August 2002.
- (11) Section 9(p)(ii) in so far as it relates to subparagraph (A) and (B) shall be deemed to have come into operation as from the income year commencing 1 July 2002.

(12) Sections 19(e), (k)(iv) and (v) in so far as it relates to paragraph (i)(ii) as inserted in the First Schedule to the Value Added Tax Act and (o)(i), (ii)(A) in so far as it relates to item 2(b) and (B) as amended and added in Part II of the new Tenth Schedule to the Value Added Tax Act shall come into operation on 1 October 2003.

(13) Section 19(n) shall be deemed to have come into operation -

- (a) in so far as it relates to Part I of the Tenth Schedule, on 1 October 2002;
- (b) in so far as it relates to Part II of the Tenth Schedule, on 10 January 2003.

FIRST SCHEDULE
(section 7(b)(i) and (ii))

PART A

PART I - EXCISABLE GOODS IMPORTED INTO MAURITIUS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
24.02		Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.				
	2402.20	- Cigarettes containing tobacco	Kg	Value at importation and specific per thousand	360% ad valorem plus Rs 360 per thousand cigarettes	At the time the entry for the goods is validated in accordance with the Customs Act 1988.
	2402.90	- Other	Kg	"	360% ad valorem plus Rs 360 per thousand cigarettes	"

PART II - EXCISABLE GOODS MANUFACTURED IN MAURITIUS

Column 1	Column 2	Column 3	Column 4	Column 5	
Heading No.	H.S. Code	Excisable goods	Taxable base	Rate of excise duty	Date payable
	2402.20	Cigarettes containing tobacco	Value at importation and specific per thousand	210% ad valorem plus Rs 210 per thousand cigarettes	As specified in paragraph (6)
		- Other:			
	2402.901	--- Cigarettes	"	210% ad valorem plus Rs 210 per thousand	"

cigarettes

PART B

PART I - EXCISABLE GOODS IMPORTED INTO MAURITIUS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Heading No.	H.S. Code	Excisable goods	Statistical Unit	Taxable base	Rate of excise duty	Date payable
24.02		Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.				
	2402.20	- Cigarettes containing tobacco	Kg	Value at importation and specific per thousand	215% ad valorem plus Rs 780 per thousand cigarettes	At the time the entry for the goods is validated in accordance with the Customs Act 1988.
	2402.90	- Other	Kg	"	215% ad valorem plus Rs 780 per thousand cigarettes	"

PART II - EXCISABLE GOODS MANUFACTURED IN MAURITIUS

Column 1	Column 2	Column 3	Column 4	Column 5	
Heading No.	H.S. Code	Excisable goods	Taxable base	Rate of excise duty	Date payable
24.02		Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.			
	2402.20	- Cigarettes containing tobacco	Value ad valorem and specific per thousand	125% ad valorem plus Rs 780 per thousand cigarettes	As specified in paragraph (6)
		- Other:			
	2402.901	--- Cigarettes	Value ad valorem and specific per thousand	125% ad valorem plus Rs 780 per thousand cigarettes	"

SECOND SCHEDULE*(section 7(b)(iii))***FIRST SCHEDULE***(sections 2 and 3)***PART II - EXCISABLE GOODS MANUFACTURED IN MAURITIUS**

Column 1	Column 2	Column 3	Column 4	Column 5	
Heading No.	H.S. Code	Excisable goods	Taxable base	Rate of excise duty	Date payable
	2208.403	--- Agricultural rum	Litre	Rs 50 per litre	As specified in paragraph (6)
	2208.404	--- Island recipe rum	Litre	Rs 50 per litre	"
	2208.405	---Rum of an alcoholic strength of more than 50 per cent by volume used as input for the manufacture of alcoholic products	Litre	Rs 0	-
	2208.406	---Agricultural rum of an alcoholic strength of more than 50 per cent by volume used as input for the manufacture of alcoholic products	Litre	Rs 0	-
	2208.906	---Compounded Spirits manufactured from agricultural rum	Litre	Rs 50 per Litre	As specified in paragraph (6)
	2208.9093	---- Spirit cooler	Litre	Rs 12.10 per litre	"

THIRD SCHEDULE*(section 7(c))***SECOND SCHEDULE***(sections 2, 9, 10, 11, 12, 13, 14 and 51)***PART I**

Column 1	Column 2	Column 3
Licence	Licence Fee Yearly Rs	Business authorised
Bottler of imported liquor	1,500	To bottle and sell at his factory liquor imported in bulk.
Brewer	10,000	To manufacture and sell at his factory, beer, shandy, cider, perry and other alcoholic beverages.
Distiller-bottler	60,000	(1) To distil at his factory alcohol and liquor. (2) To manufacture from the products of his distillation for sale at his factory, alcoholic products, matured rum, matured liquor, matured alcohol, alcoholic beverages, spirit vinegar and denatured alcohol. (3) To manufacture and bottle liquor from liquor imported in bulk. (4) To sell at his factory - (a) To a distiller-bottler alcohol and liquor whether matured or not in containers of not less than 200 litres; and (b) To a manufacturer of alcoholic products, alcohol, whether matured or not, in containers of not less than 200 litres; (c) alcohol for use in the manufacture of other products.
Manufacturer of cigarettes and other tobacco products	10,000	To manufacture and sell at his factory cigarettes and other tobacco products
Manufacturer of country liquor, fortified country liquor and vinegar	6,000	To manufacture and sell at his factory country liquor, fortified country liquor and vinegar.
Manufacturer of essential oils and essences	500	To manufacture and sell at his factory his factory essential oils and essences.
Manufacturer of alcoholic products	60,000	To manufacture at his factory alcoholic products. To sell at his factory alcoholic products to a

		wholesale dealer in liquor and alcoholic products only. To export alcoholic products bottled at his factory.
Manufacturer of medicinal tinctures and drugs	500	To manufacture and sell at his factory medicinal tinctures and drugs to pharmacists only.
Manufacturer of perfumed spirits and cosmetics	1,500	To manufacture and sell at his factory perfumed spirits and cosmetics.
Manufacturer of wine, fortified wine and vinegar	6,000	To manufacture and sell at his factory wine, fortified wine and vinegar.
Wholesale dealer in liquor and alcoholic products	3,000	To sell by wholesale to a retailer of liquor and alcoholic products.
Manufacturer of spirit cooler	10,000	To manufacture and sell at his factory spirit cooler.

PART II

Column 1	Column 2	Column 3
Licence	Licence Fee Yearly Rs	Business authorised
Retailer of liquor and alcoholic products (Co-operative Store)	200	To sell by retail liquor and alcoholic products for consumption on and off the premises.
Wholesale dealer in liquor and alcoholic products (Co-operative Store)	500	To sell by wholesale liquor and alcoholic products to a retailer of liquor and alcoholic products (Co-operative Store).
Retailer of liquor and alcoholic products (on and off)	2,500	To sell by retail liquor and alcoholic products for consumption on and off the premises.
Retailer of liquor and alcoholic products (off)	2,000	To sell by retail liquor and alcoholic products for consumption off the premises.
Retailer of beer, country liquor, fortified country liquor, shandy, cider, perry, spirit cooler and other alcoholic beverages	500	To sell by retail beer, country liquor, fortified country liquor, shandy, cider, perry, spirit cooler and other alcoholic beverages for consumption on and off the premises.
Commission agent (liquor)	1,000	To import liquor on account of another person.
Retailer of Liquor (Victualler) To be issued to a holder of a licence of Victualler selling cooked food to be consumed on and off the premises under the Local Government	1,000	To sell liquor for consumption on the premises.

Act 1989.		
Shipchandler (liquor and alcoholic products)	1,000	To sell liquor and alcoholic products for consumption on ships only.
Retailer of liquor and alcoholic products (Hotel)	1,000	To sell liquor and alcoholic products to residents for consumption on and off the premises.
Retailer of liquor and alcoholic products (Boarding House)	1,000	To sell liquor, rum and alcoholic products to residents for consumption on and off the premises.
Retailer of liquor and alcoholic products (Restaurant)	2,000	To sell liquor and alcoholic products for consumption on the premises.
Retailer of liquor (Theatre or Cinema)	1,000	To sell liquor during a performance at a theatre or cinema for consumption on the premises.
Retailer of liquor and alcoholic products (Airport or Port refreshment room)	1,000	To sell liquor and alcoholic products for consumption on and off the premises.
Retailer of liquor and alcoholic products (Private club)	1,000	To sell liquor and alcoholic products for consumption on and off to the club's members for consumption on the premises.
Retailer of liquor (Night club)	2,000	To sell liquor, for consumption on the premises.
Retailer of liquor and alcoholic products (Gaming House) To be issued to holder of a licence of Gaming House under the Gaming Act	3,000	To sell liquor and alcoholic products for consumption on the premises of a gaming house.

PART III

Column 1	Column 2	Column 3
Licence	Licence Fee Rs	Business authorised
Retailer of liquor and alcoholic products (Occasional)	500	To sell liquor, rum and alcoholic products by the glass or small quantity during the period specified in the licence for consumption on the premises.
Retailer of liquor and alcoholic products (Restaurant) (Extension)	500	To sell liquor and alcoholic products outside the prescribed hours for consumption on the premises.

FOURTH SCHEDULE*(section 9(q))***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 in the income year;		25,000
	(b) child over the age of 18 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.		100,000
4.	Deduction for dependent handicapped child	42	50,000
5.	Deduction for other handicapped person	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.

FIFTH SCHEDULE*(section 12(d))***SECOND SCHEDULE***(section 4(4))***Rate**

Where the transfer is made –	
(a) after a period not exceeding 5 years of the date of acquisition of the property;	10 per cent
(b) after a period exceeding 5 years of the date of acquisition of the property; or	5 per cent
(c) at a nominal price of one rupee to an “ <i>association syndicale</i> ” set up in accordance with Articles 664-95 and 664-96 of the Code Civil Mauricien, in respect of an area occupied by common amenities in a morcellement.	50 rupees in respect of every lot in the morcellement.

THIRD SCHEDULE*(section 9(3))***Rate**

Where the transfer –	
(a) of a lot is made –	
(i) after a period not exceeding 5 years of the date of acquisition of the immovable property;	30 per cent
(ii) after a period exceeding 5 years but not exceeding 10 years of the date of acquisition of the immovable property;	25 per cent
(iii) after a period exceeding 10 years but not exceeding 15 years of the date of acquisition of the immovable property; or	20 per cent
(b) is made at a nominal price of one rupee to an “ <i>association syndicale</i> ” set up in accordance with Articles 664-95 and 664-96 of the Code Civil Mauricien, in respect of an area occupied by common amenities in a morcellement.	50 rupees in respect of every lot in the morcellement.

SIXTH SCHEDULE*(section 19(n))***TENTH SCHEDULE***(sections 15, 19 & 20)***PART I****Business or profession of -**

1. Accountant and or auditor
2. Advertising agent
3. Adviser including investment adviser and tax adviser
4. Architect and or draughtsman
5. Attorney and or solicitor
6. Barrister having more than 2 years standing at the Bar
7. Clearing and forwarding agent under the Customs Act
8. Consultant including legal consultant, tax consultant, management consultant and management company other than a holder of a management licence under the Financial Services Development Act 2001
9. Customs house broker under the Customs Act
10. Engineer
11. Estate agent
12. Land surveyor
13. Marine surveyor
14. Motor surveyor
15. Notary
16. Optician
17. Project manager
18. Property valuer
19. Quantity surveyor
20. Sworn auctioneer
21. Tour operator
22. Travel agent registered with the International Air Transport Association (IATA)

PART II**Business of -**

1. Banking by a company holding a Category 1 Banking Licence under the Banking Act
2. Insurance agent under the Insurance Act
3. Management services by a holder of a management licence under the Financial Services Development Act 2001 in respect of services supplied other than those supplied to corporations holding a Category 1 Global Business Licence or a Category 2 Global Business Licence under that Act

