

NOTES FOR COMPLETION OF ANNUAL RETURN OF INCOME OF COMPANY & TRUST

YEAR OF ASSESSMENT 2019-2020

These notes are intended to assist in the completion of the return. If further information is required please contact the Mauritius Revenue Authority (MRA), Ebrahim Court, Ground Floor, Cnr Mgr Gorin & Sir V. Naz Streets, Port Louis, Tel 207-6000. Website: <http://www.mra.mu>

Note 1 Main business activity (Page 1 item 4)

Please consult "List of Activities" available under "Media Centre" on MRA website before entering appropriate sector, type and detail of activity.

Place of effective management (Page 1 item 10(b))

A company which is incorporated in Mauritius shall be treated as non-resident if its place of effective management is situated outside Mauritius.

Expression of doubt

If you are in doubt regarding the interpretation of the law or treatment in respect of any items contained in this return, you may submit the return according to your own interpretation of the law or treatment, by giving a description of the issue in question and specify the doubt in the space provided. When you express a doubt, the law provides that there will not be any penalty for late payment on any additional tax which could result from any adjustment in relation to the doubt specified.

Note 2 Declaration

This section should be completed after filling in all items on pages 1 to 5.

Note 3 Trading and Profit and Loss account

The details of trading and profit & loss a/c should be given on page 2. No accounts should be attached. Any item of expenditure in the Trading & Profit & Loss a/c not indicated in the return should be included in item 47 'other expenses'.

Note 4 Balance Sheet

The details of Balance Sheet's items should be given on page 3. Where details are not provided, the company shall be deemed not to have submitted a return.

Note 5 Computation of chargeable income

The profit as per the profit & loss a/c is not the taxable profit as not all items of income are taxable nor are all items of expenses deductible for tax purposes. The net profit/loss as per profit and loss a/c needs to be adjusted on page 4 to arrive at the chargeable income.

Income to be expressed in Mauritian Rupees

Any amount of income derived or expenditure incurred and remitted during an income year in a currency other than Mauritian rupees should be converted in Mauritian rupees at the exchange rate in force as at the date of remittance. Where any such amount is not remitted during the income year it is derived or incurred, it should be converted at the exchange rate in force at the end of that income year. However, where a company prepares its financial statements with the approval of the Registrar of companies in either US dollar, Euros, GB pounds sterling, Singapore dollars, South African rands, Swiss francs or such other foreign currency as approved by the MRA, the return and payment of tax should be made electronically in that currency.

General Rule for deduction of expenses

Any expenditure or loss to the extent to which it is exclusively incurred in the production of the gross income of the business is deductible from the gross income.

Unauthorised deductions

The items of expenditure that are specifically prohibited by Section 26 of the Income Tax Act include -

- any investment, expenditure or loss to the extent to which it is capital or of a capital nature;
- any expenditure or loss to the extent to which it is incurred in the production of income which is exempt income;
- any reserve or provision of any kind;
- any expenditure or loss recoverable under a contract of insurance or of indemnity;
- any expenditure incurred in providing business entertainment or any gift;
- income tax or foreign tax;
- any expenditure or loss to the extent to which it is of a private or domestic nature.

Item 2 - Expenditure incurred in the production of exempt income

- Expenditure or loss exclusively incurred in the production of exempt income is not allowable.
- Where expenditure or loss is incurred in the production of both gross income and exempt income, that part of the expenditure or loss attributable to the production of exempt income shall be calculated using the following formula:

$$\frac{\text{exempt income} \times \text{expenditure or loss}}{\text{total gross income (including exempt income)}}$$

- Where the proportion of exempt income to total gross income in the above formula is 10 per cent or less, no part of the expenditure or loss as determined above shall be disallowed.

• Dividends payable

Dividends payable are not deductible in computing the chargeable income of a company.

• Item 13 - Dividends receivable

Dividends receivable from a resident company are exempt from tax. However, where a company's income includes exempt income, the expenses incurred to produce such exempt income should be added back in Item 2 of Page 4. Dividends receivable from outside Mauritius are taxable.

Item 15 - Annual allowance

- (A) Depreciation, being a provision, is not an allowable expenditure. A company may instead, claim deduction in respect of annual allowance on capital expenditure at the prescribed rates, as follows:-

Capital expenditure incurred on**Rate as a % of**

		Base value	cost
1	Industrial premises excluding hotels	-	5
2	Commercial premises	-	5
3	Hotels	30	-
	Plant or Machinery –		
	(a) costing or having a base value of 30,000 rupees or less	100	or 100
4	(b) costing more than 30,000 rupees –		
	(i) ships or aircrafts	20	-
	(ii) aircrafts and aircraft simulators leased by a company engaged in aircraft leasing	100	or 100
	(iii) motor vehicles	25	-
	(iv) electronic and high precision machinery or equipment, computer hardware and peripherals and computer software	50	-
	(v) furniture and fittings	20	-
	(vi) other	35	-
5	Improvement on agricultural land for agricultural purposes	25	
6	Research and development, including innovation, improvement or development of a process, product or service	-	50
7	Acquisition of solar energy unit	-	100
8	Golf courses	15	-
9	Acquisition of patents	25	-
10	Green technology equipment	-	50
11	Landscaping and other earth works for embellishment purposes	-	50
12	Acquisition or improvement of any other item of a capital nature which is subject to depreciation under the normal accounting principles	-	5

Where a company, carrying on business other than tour operator or car rental, has incurred capital expenditure on or after 1 January 2011 on a motor car costing more than three million rupees, the annual allowance shall be 25% of the base value, limited to three million rupees in the aggregate. Base value means cost less any amount allowed by way of annual allowance.

(B) Accelerated annual allowance on capital expenditure incurred as from 1 January 2013 may be claimed on the items listed below, as follows:-

Capital expenditure incurred on**Rate as a % of**

		Base value	cost
1	Industrial premises dedicated to manufacturing	30	-
2	Plant or machinery costing 50,000 rupees or less	-	100
3	Electronic and high precision machinery (including computer hardware and software)	-	50
4	Plant and machinery (excluding passenger car) by a manufacturing company	-	50
5	Scientific research	-	50

Where annual allowance has been claimed under paragraph (A), no allowance should be claimed under paragraph (B). It is to be noted that no annual allowance is allowable unless proper books of accounts and records are kept.

Item 18 - Allowance for disabled employee and emoluments incurred in Rodrigues

An additional deduction equivalent to the amount already claimed in accounts is allowable in respect of expenditure incurred on -

- (i) emoluments in respect of a disabled person; or
- (ii) emoluments and training costs in respect of an employee employed in any business set up in the island of Rodrigues.

Item 19-Expenditure incurred on artwork

Where a company which is not a dealer in artwork incurs in an income year expenditure on the acquisition of an artwork for display in a conspicuous place on its business premises, it shall be allowed, in that income year, a deduction from its gross income in respect of the expenditure incurred. The deduction shall not, in the aggregate, exceed 500,000 rupees over a period of 3 consecutive income years.

Item20- Additional deduction in respect of emoluments paid to homeworkers

Where during the period 1 July 2018 to 30 June 2019, a person employs a full –time homeworker ,he shall be allowed to deduct an additional amount equivalent to the amount already claimed in accounts in respect of emoluments payable to the homeworker.

The following conditions apply:

- (i) Necessary information technology system has been acquired;
- (ii) more than 5 homeworkers are employed at any time during the year;
- (iii) monthly emoluments payable to the homeworker do not exceed 100,000 rupees.

The deduction shall be allowed in respect of emoluments payable to a homeworker during a period not exceeding 24 consecutive months starting from 1 July 2018 or the month in which the homeworker starts working from home, as the case may be.

Item21-Investment in crèches

Where, in an income year, a company incurs capital expenditure on a crèche for the benefit of its employees, a deduction may be claimed twice the amount of such expenditure incurred in that income year.

Where a deduction has been claimed under this section, the company is not entitled for annual allowance.

Item 22 - Expenditure incurred on deep ocean air conditioning

A deduction may be claimed twice the amount of such expenditure incurred in that income year.

Item 23 - Expenditure incurred on water desalination plant

A deduction may be claimed twice the amount of such expenditure incurred in that income year.

Where a deduction has been claimed under this section, the company is not entitled for annual allowance.

Item 24 - Qualifying expenditure incurred for research and development directly related to existing trade and business

A deduction may be claimed twice the amount of such expenditure incurred in that income year.

Where a deduction has been claimed under this section, the company is not entitled for annual allowance.

Item 25 - Qualifying expenditure incurred for research and development not directly related to existing trade and business

A deduction may be claimed for the amount of such expenditure incurred in that income year.

Items 26-30 Conditions for eligibility to partial exemption (regulation 23D Income Tax Regulations 1996)

Companies deriving foreign source income in a year may, on satisfying the prescribed conditions, be entitled to claim partial exemption of the foreign source income as follows:

26. Foreign dividend derived by a company

An exemption of 80 per cent of the foreign source dividend derived may be claimed provided that:

- (i) the dividend has not been allowed as a deduction in the country of source;
- (ii) the company complies with its filing obligations under the Companies Act or the Financial Services Act;
- (iii) the company has adequate resources for holding and managing share participations.

27. Interest derived by a company other than a bank

An exemption of 80 per cent of the interest derived may be claimed provided that the company:

- (i) carries out its core income generating activities in Mauritius;
- (ii) employs directly or indirectly an adequate number of suitably qualified persons to conduct its core income generating activities; and
- (iii) incurs a minimum expenditure proportionate to its level of activities.

“core income generating activities” includes agreeing funding terms, setting the terms and duration of any financing, monitoring and revising any agreements, and managing any risks.

28. Income derived by a company from provision of specified financial services

The income should be derived by a collective investment scheme (CIS), closed end fund, CIS manager, CIS administrator, investment adviser or asset manager licensed or approved by the Financial Services Commission.

An exemption of 80 per cent of the income derived may be claimed provided that the company:

- (i) carries out its core income generating activities in Mauritius;
- (ii) employs directly or indirectly an adequate number of suitably qualified persons to conduct its core income generating activities; and
- (iii) incurs a minimum expenditure proportionate to its level of activities.

“core income generating activities” includes the following as set out in the table below:

Type of Licence	Core Income Generating Activities
Collective Investment Scheme	Investment of funds in portfolios of securities, or other financial assets, real property or non-financial assets; diversification of risks; redemption on the request of the holder
Closed-end Fund	Investment of funds collected from sophisticated investors, in portfolios of securities, or in other financial or non-financial assets, or real property
CIS Manager	Management of a Collective Investment Scheme; taking decisions on the holding and selling of investments; calculating risks and reserves; taking decisions on currency or interest fluctuations and hedging positions; and preparing relevant regulatory or other reports for government authorities and investors
CIS Administrator	Providing services with respect to the operations and administrative affairs of a collective investment scheme including accounting, valuation or reporting services
Investment Adviser or Asset Manager	Advising, guiding or recommending other persons, or holding himself out to advise, guide or recommend other persons, whether personally or through printed materials or by other means, to enter into securities transactions; managing or holding himself out to manage, under a mandate, whether discretionary or not, portfolios of securities; giving advice on corporate finance advisory matters concerning securities transactions

29. Income derived by companies engaged in ship and aircraft leasing

An exemption of 80 per cent of the income derived may be claimed provided that the company:

- (i) carries out its core income generating activities in Mauritius;
- (ii) employs directly or indirectly an adequate number of suitably qualified persons to conduct its core income generating activities; and
- (iii) incurs a minimum expenditure proportionate to its level of activities.

“core income generating activities” includes agreeing on funding terms, identifying and acquiring assets to be leased, setting out the terms and duration of any leasing, monitoring and revising any agreements, and managing any risks.

For the purpose of items 27, 28 and 29, a company may outsource any relevant activities to third party service providers, provided that:

- (a) the company is able to demonstrate adequate monitoring of the outsourced activities;
- (b) the outsourced activities are conducted in Mauritius; and
- (c) the economic substance of service providers is not counted multiple times by multiple companies when evidencing their own substance in Mauritius.

30. Profit of a foreign permanent establishment which a resident company has in a foreign country

An exemption of 80 per cent of the profit attributable to the permanent establishment may be claimed in an income year.

Note: New regulation 23D is effective as from 1 January 2019.

Items 34 to 36 - Losses brought forward from previous year

Section 59 of the Income Tax Act provides that losses incurred may be deducted in computing net income in an income year. Where the loss cannot be fully relieved in an income year, the unrelieved loss may be carried forward and set-off against net income derived in the following 5 income years only.

Where a company's accounting year ends -

- (i) on any date between 1 January 2019 and 30 June 2019, it may not carry forward and set-off in its return for the year of assessment 2019-20 any unrelieved loss relating to year of assessment 2013 and previous years.
- (ii) on any date between 1 July 2019 and 31 December 2019, it may not carry forward and set-off in its return for the year of assessment 2019-20 any unrelieved loss relating to year of assessment 2014 and previous years.

The time limit of 5 years is not applicable for the carry forward of loss attributable to annual allowances in respect of capital expenditure incurred on or after 1 July 2006.

Item 38 - Transfer of loss on takeover or merger

The law provides for the transfer of unrelieved losses where a company takes over another company engaged in manufacturing activities or where 2 or more companies engaged in manufacturing activities merge into one company, provided that the acquiree company is dissolved after the takeover and on such conditions relating to safeguard of employment as may be approved by the Minister.

Note 6 **Calculation of tax**

Chargeable income attributable to exports

The rate of tax applicable to all companies is 15%. However, a reduced tax rate of 3% is applicable on income attributable to exports of goods and to global trading as from 1 January 2019. The chargeable income attributable to exports of goods and global trading relative to the year, is calculated using the following formula:

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

where –

- a is the gross income derived from the export of goods (including global trading as from 1 January 2019)
- b is the gross income derived from all the activities during the year
- c is the chargeable income of the company for the year

Items 44 to 52 - Corporate Social Responsibility (CSR)

Every company is required to set up a CSR Fund equivalent to 2% of its chargeable income for the preceding year to implement a programme in accordance with its own CSR framework and having as its objects the alleviation of poverty, the relief of sickness or disability, the advancement of education of vulnerable persons or the promotion of any other public object beneficial to the Mauritian community.

An amount equal to the percentage of the CSR Fund, as specified in the following table, shall be remitted to the Director-General –

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

Where, as at 30 June 2016, a company had paid out of its CSR Fund, a sum in excess of the amount provided for under that Fund, the excess amount may be carried forward and offset in equal instalments against any amount to be remitted in respect of 5 succeeding years starting as from year of assessment 2016/2017.

Enter at line 46 any amount paid as CSR in the APS statements relating to the current income year, CSR is not applicable to:

- (i) a GBL company;
- (ii) a bank, in respect of income derived from non-residents or GBL corporations;
- (iii) an IRS company;
- (iv) a non-resident société, a foundation, a trust or a trustee of a unit trust scheme.

Item 53 - Solidarity levy on telephony service provider

The solidarity levy payable shall be the aggregate of 5% of book profit and 1.5% of turnover in respect of the preceding year. No levy shall be paid in a year, where, in the year immediately preceding that year, the operator has incurred a loss.

Item 55 - Special/Investment Tax Credit

(i) If, during the period from 1 January 2014 to 30 June 2016, a manufacturing company has invested an amount in excess of MUR 100 million in plant or equipment for the production of -

- (a) computers, film, pharmaceuticals or medicinal chemicals, ships and boats, textiles, wearing apparels;
- (b) electronic or optical products, electrical equipment, furniture, jewellery and bijouterie, medical and dental instruments, devices and supplies;

it may deduct 5% of the amount invested in its return for the year in which investment is made and the 2 subsequent years. If the amount of tax credit exceeds the tax payable for the year, the excess may be carried forward to the next year. Any excess credit may be carried forward for a maximum period of five consecutive income years following the income year in which the capital expenditure was incurred.

(ii) If, during the period from 1 July 2016 to 30 June 2020 -

- (a) a manufacturing company has incurred capital expenditure on new plant and machinery mentioned in (i) above, it may claim in its return, a tax credit of 15% for items specified in (i)(a) and 5% for items specified in (i)(b) above;
- (b) No deduction in respect of a capital expenditure shall be carried forward beyond a period of 5 consecutive income years following the income year in which the capital expenditure was incurred.
- (c) Where in an income year the plant and machinery is sold or otherwise transferred within a period of 5 years from the date of its acquisition, the tax credit shall be withdrawn and any tax credit claimed shall be deemed to be income tax payable to the Director-General in that income year.

(iii) Where a company has invested in the share capital of a subsidiary company engaged in the setting up and management of an accredited business incubator, it may deduct, in its return, a tax credit of 15% of the investment in the share capital subject to a maximum of 3,000,000 rupees.

(iv) Where during the period 1 July 2018 to 30 June 2020, a company engaged in the importation of goods in semi knocked-down form incurs capital expenditure in new plant and machinery, it shall be allowed, in the year of acquisition and in each of the two subsequent income years, a tax credit of an amount equal to 5 per cent of the cost of the new plant and machinery.

No credit shall be allowed where the local value addition incorporated in the goods is less than 20 per cent.

Plant and machinery does not include motor cars.

(v) Where, during the period 1 July 2018 to 30 June 2020, a person incurs capital expenditure on information technology systems for the purpose of employing homeworkers, he shall be allowed, in the year of acquisition and in each of the two subsequent income years, a tax credit of an amount equal to 5 per cent of the cost of the information technology system.

Item 56 Foreign tax credits

a. Where a taxpayer derives income which is subject to foreign tax, the amount of foreign tax so paid shall be allowed as a credit against income tax payable in Mauritius in respect of that income.

b. No credit shall be allowed in respect of foreign source income where the person has claimed a partial exemption in respect of that income.

Item 59 - Tax deducted at source (TDS)

A company should take credit of TDS in accordance with the "Statement of Income Received" for the income year immediately preceding the due date of submission of the relevant annual return.

The BRN and TAN of the payer should be inserted where the TDS has been deducted on income derived by the company directly. Where the company is entitled to deduct the share of TDS on income derived by a Société, the BRN and TAN of the Société should be inserted.

Attach additional sheet(s) if necessary to give the required details.

Item 61 - Tax paid under APS

Relates to amounts already paid under Advance Payment System for year of assessment 2019-2020 and should exclude any amount deducted at line 46 on page 5 of the return.

Item 62 - Tax payable

The total tax balance is payable by the due date for submission of the annual return of income.

Item 63 - Interest on unpaid tax

The law provides for payment of interest at the rate of 0.5 per cent per month or part of the month during which the tax remains unpaid.

Item 64 - Penalty

- **Late submission of return (LSR):** A penalty of Rs 2000 per month or part of the month is payable until the time the return is submitted, up to a maximum of Rs 20,000. However, where the company is a small enterprise having an annual turnover not exceeding 10 million rupees, the maximum penalty is Rs 5,000.

- **Late payment of tax (LPT):** A penalty of 5 per cent of the amount of tax is payable in case of late payment. However, where the company is a small enterprise having an annual turnover not exceeding 10 million rupees, the rate of penalty is 2 per cent.

- **Failure to submit return of income electronically (FSRE):** A penalty of 20 per cent shall be calculated on the the tax payable (a) to a maximum of 100,000 rupees; or (b) 5,000 rupees where there is no tax liability where a person fails to submit his return and makes any payment of tax electronically.