

Investment Promotion (Smart City Scheme) (Amendment) Regulations 2017

GN No. 218 of 2017

Government Gazette of Mauritius No. 107 of 11 November 2017

THE INVESTMENT PROMOTION ACT

Regulations made by the Minister under sections 12 and 28 of the Investment Promotion Act

1. These regulations may be cited as the Investment Promotion (Smart City Scheme) (Amendment) Regulations 2017.
2. In these regulations —
“principal regulations” means the Investment Promotion (Smart City Scheme) Regulations 2015.
3. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical order, the following new definitions —
“Fund” means the Smart City Scheme Social Fund referred to in regulation 5A;

“public transport” means transport, by bus or light rail transit system, that is available to the public, run on fixed routes with charged set fares;

“smart city area” means the physical area of land of an extent exceeding 21.105 hectares (50 *arpents*) in respect of a smart city project;

“station” means the Vacoas station, the Quatre Bornes station and such other station as the Minister may approve;

“terminal” means the Curepipe (Jan Palach South) terminal, the Rose Hill (Place Cardinal Margeot) terminal, the Port Louis (Victoria Square) terminal, the Port Louis (Immigration Square) terminal and such other terminal as the Minister may approve;

4. Regulation 4 of the principal regulations is amended, in paragraph (a), by adding the words “or the construction of public transport stations or terminals”.

5. Regulation 5 of the principal regulations is amended —

(a) in paragraph (1), by inserting, after the words “*technopole* project”, the words “, public transport station project or public transport terminal project, as the case may be”;

(b) in paragraph (2), by inserting, after the words “*technopole* project”, the words “, public transport station project or public transport terminal project, as the case may be”;

(c) by inserting, after paragraph (3), the following new paragraph —

(3A) A public transport station project or a public transport terminal project may be developed on an area of land of less than 2 1.105 hectares (50 *arpents*) and

(a) shall relate to —

(i) the construction and operation of a modern and visually aesthetic public transport station or terminal, as the case may be,; or

(ii) the redevelopment, modernisation and operation of an existing public transport station or terminal, as the case may be,;

(b) may include commercial, office, parking, leisure or green components.

(d) in paragraph (4), by inserting, after the words “*technopole* project”, the words “, public transport station project or public transport terminal project, as the case may be”.

6. The principal regulations are amended by inserting, after regulation 5, the following new regulation —

5A. Smart City Scheme Social Fund

(1) There shall be, for the purposes of these regulations, a Fund to be known as the Smart City Scheme Social Fund.

(2) Every smart city company shall contribute into the Fund at least 25,000 rupees per residential property or per plot of serviced land in a smart city area.

(3) The costs of any infrastructural works required outside a smart city area to service a smart city project and the costs to compensate those adversely affected by the smart city project shall not form part of the contribution to the Fund and shall be borne by the smart city company.

7. Regulation 9 of the principal regulations is amended by adding the following new paragraph —

(7) The social impact assessment referred to in paragraph (2)(c) shall also be submitted to the Committee referred to in the Finance and Audit (Smart City Scheme Social Fund) Regulations 2017.

8. Regulation 14 of the principal regulations is amended —

(a) by deleting the heading and replacing it by the following heading —

Sale of bare land to a smart city developer

(b) in paragraph (1), by revoking subparagraph and replacing it by the following subparagraph —

(b) a SCS certificate may sell to, or receive any payment or other consideration from, a smart city developer in respect of any sale

of -

- (i) serviced land; or
- (ii) bare land, after furnishing the Board of Investment with a bank guarantee equivalent to the estimated value of the infrastructural works to service that plot of bare land being sold.

9. Regulation 15 of the principal regulations is amended —

(a) in paragraph(l)—

(i) in subparagraph (a) —

- (A) in sub subparagraph (iv), by deleting the figure “5” and replacing it by the figure “10”;
- (B) in sub subparagraph (v), by adding the words as the Board of Investment may certify”;

(ii) by adding the following new subparagraph, the full stop at the end of subparagraph (b) being deleted and replaced by a semicolon —

- (c) enter into an agreement to sell to, or receive any payment or other consideration from, a citizen of Mauritius or member of the Mauritian Diaspora registered under the Investment Promotion (Mauritian Diaspora Scheme) Regulations 2015 in respect of any sale of serviced land, after furnishing the Board of Investment with a bank guarantee equivalent to the estimated value of the infrastructural works to service the plots of land being sold, provided the payments received by the smart city company or smart city developer do not exceed the amount covered by the bank guarantee.

(b) by revoking paragraph (2) and replacing it by the following paragraph —

(2) A plot of serviced land acquired pursuant to paragraph (1) may be sold or transferred provided the acquirer of the plot undertakes to complete the construction of the residential property on the plot within 10 years from the date of its first acquisition from the smart city company or smart city developer, as the case may be.

10. Regulation 22 of the principal regulations is amended —

(a) in paragraph (4) —

(i) by inserting, after subparagraph (a), the following new subparagraph —

(aa) Where a smart city company or smart city developer imports furniture in such condition that it would, to the satisfaction of the Board of Investment with the concurrence of MRA Customs Department, require further processing resulting into value addition of at least 20 per cent of the c.i.f. value at import, no customs duty shall be paid on that furniture.

(ii) by inserting, after subparagraph (b), the following new subparagraph —

(ba) A smart city company or smart city developer shall, in respect of a project relating to the construction of a public transport station/terminal, be eligible to claim refund of VAT on buildings and capital goods, for a period not exceeding 8 succeeding income years as from the date of the SCS Certificate.

(b) in paragraph (5) —

(i) by inserting, after the word “excision”, the words “by a smart city company, an excision for the purpose of transfer of land to a smart city company”;

(ii) by adding the words “except for a project relating to the construction of a public

transport station/ terminal”.

Made by the Minister on 31 October 2017.