

TR 282**Facts**

A is a French national and his profession is that of a professional golfer of the European Tour.

A is considering relocating to Mauritius with his wife and minor children. The family intends to apply for a residency permit, rent a house and live permanently in Mauritius. The minor children will attend a private school in Mauritius.

Given the nature of his profession, A, typically does not intend to stay in a country for more than 90 days in an income year. Hence, he will not be a tax resident in any country by virtue of the 183 days rule. He will apply for a self-employed occupational permit under a professional athlete as a business activity and become a tax resident in Mauritius. Thereafter, he will file a return of income in Mauritius annually.

The main source of income of A is tournament winnings, in the form of prize money and sponsorship contracts. His prize money is contingent on his ranking in the tournaments in which he participates and the payments made to him are net of withholding tax, which is remitted to the relevant tax authorities. The documents that A receives from the European Tour to substantiate the withholding tax suffered consist of remittance advice and withholding tax documents.

Point at issue

Whether the Director-General would be satisfied with the remittance advice and the withholding tax documents (issued in the name of A) available as evidence in order to grant the claim for foreign tax credit on the income that A will declare in Mauritius?

Ruling

On the basis of the facts mentioned above, it is ruled that for the purpose of claiming foreign tax credit against Mauritius tax, the remittance advice and the withholding tax documents from the payer (the European Tour) will be accepted as evidence of foreign tax paid by the Director-General, provided that the same may be verified.