

ECONOMIC DEVELOPMENT BOARD ACT

Act 11 of 2017 – 7 August 2017

(unless otherwise indicated)

P27/17 [s.1, 2, 3, 4, 5(1)(a) to (e), 6 to 12, 28, 30 to 34 and 36 to 40 – cio 7/8/17]; P53/17 [s. 5(1)(f)-(l), 5(2), 13 to 27, 29, 35, 41 to 43 (cio 15/1/18)]; GN 21/18 (cio 15/1/18, 22/2/18)); 11/18 (cio 1/7/18); 11/18 – P31/18 (cio 30/11/8); 13/19 (cio 25/7/19); 14/19 (cio 25/7/19); 7/2020 (cio 7/8/2020, 2/9/2020); 15/21 (cio 5/8/21); 14/22 (cio 27/7/22); 15/22 (cio 2/8/22); 12/23 (cio 20/7/23, 1/8/23);

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ECONOMIC DEVELOPMENT BOARD ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Economic Development Board Act 2017.
(s. 1 came into operation on 7 August 2017)

2. Interpretation

“Board” means the Board referred to in section 6;

“Board of Investment” or “BOI” means the Board of Investment established under the repealed Investment Promotion Act;

“Certificate” –

(a) means a certificate set out in the second column of the Second Schedule; but

(b) does not include –

(i) a registration certificate issued under this Act;

(ii) a freeport certificate;
[Inserted 15/21 (cio 5/8/21).]

“Chairperson” means the Chairperson of the Board appointed under section 6(2)(a);

“Chief Executive Officer” means the Chief Executive Officer of the Economic Development Board referred to in section 10;

“e-Commerce certificate” means an e-Commerce certificate issued under the e-Commerce Scheme;
[Inserted 13/19 (cio 25/7/19).]

“e-Commerce Scheme” means the e-Commerce Scheme prescribed under this Act;
[Inserted 13/19 (cio 25/7/19).]

“Economic Development Board” means the Economic Development Board established under section 3;

“Enterprise Mauritius” or “EM” means Enterprise Mauritius incorporated and registered as such under the Companies Act;

“employee” –

(a) means a person appointed as such under section 12; and

(b) includes any person transferred to the Economic Development Board pursuant to section 43;

“Export Development Certificate” means an Export Development certificate issued under the Export Development Scheme;
[Inserted 15/21 (cio 5/8/21).]

“Export Development Scheme” means the Export Development Scheme as prescribed or specified in guidelines issued under this Act;
[Inserted 15/21 (cio 5/8/21).]

“family occupation permit” has the same meaning as in the Immigration Act 2022;
[Inserted 15/21 (cio 5/8/21); amended 14/22 (cio 27/7/22).]

“Film Promotion Fund” means the Film Promotion Fund established under section 28A;
[Inserted 11/18 (cio 1/7/18).]

“freeport certificate” means a freeport certificate issued under the Freeport Act;

“Film Rebate Scheme” means the Film Rebate Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;

“Financial Services Promotion Agency” or “FSPA” means the Financial Services Promotion Agency established under the repealed Part XIA of the Financial Services Act;

“IHS certificate” means an Invest Hotel Scheme certificate issued under the Invest Hotel Scheme;

“immigration officer” has the same meaning as in the Immigration Act 2022;
[Inserted 15/21 (cio 5/8/21); amended 14/22 (cio 27/7/22).]

“Integrated Modern Agricultural Morcellement Certificate” means the Integrated Modern Agricultural Morcellement Certificate issued under the Integrated Modern Agricultural Morcellement Scheme;
[Inserted 15/22 (cio 2/8/22).]

“Integrated Modern Agricultural Morcellement Scheme” means the Integrated Modern Agricultural Morcellement Scheme as prescribed or specified in guidelines issued under this Act;
[Inserted 15/22 (cio 2/8/22).]

“Integrated Resort Scheme” means the Integrated Resort Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;

“Invest Hotel Scheme” means the Invest Hotel Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;

“Investment Certificate” means an investment certificate issued under the Investment Scheme;
[Inserted 15/21 (cio 5/8/21).]

“Investment Scheme” means the Investment Scheme as prescribed or specified in guidelines issued under this Act;
[Inserted 15/21 (cio 5/8/21).]

“investor” includes –

- (a) a non-citizen; or
- (b) an association or a body of persons, whether corporate or unincorporated, the control or management of which is vested in

persons who are non-citizens;

“Mauritian Diaspora Scheme” means the Mauritian Diaspora Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;
[RR 15/21 (cio 5/8/21).]

“Mauritius-Africa Fund Ltd” means Mauritius-Africa Fund Ltd incorporated and registered as such under the Companies Act;

“Minister” means the Minister to whom the responsibility for the subject of finance is assigned;
[RR 7/2020 (cio 7/8/2020).]

“occupation permit” has the same meaning as in the Immigration Act 2022;
[Amended 14/22 (cio 27/7/22).]

“PDS certificate” means a Property Development Scheme certificate issued under the Property Development Scheme;

“permanent residence permit” has the same meaning as in the Immigration Act 2022;
[Amended 14/22 (cio 27/7/22).]

“Premium Investor Certificate” means a Premium Investor Certificate issued under the Premium Investor Scheme;
[Inserted 15/21 (cio 5/8/21).]

“Premium Investor Scheme” means the Premium Investor Scheme referred to in section 14A;
[Inserted 15/21 (cio 5/8/21).]

“professional” means a non-citizen referred to in the First Schedule and who is employed in Mauritius by virtue of a contract of employment;
[Amended 15/21 (cio 5/8/21).]

“Property Development Scheme” means the Property Development Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;

“public sector agency” includes any Ministry or Government department, local authority or statutory body;

“Real Estate Development Scheme” means the Real Estate Development Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;

“registered person” means a person who is issued with a registration certificate;

“registration certificate” means a certificate issued under section 13(3); [Amended 15/21 (cio 5/8/21).]

“retired non-citizen” means a retired non-citizen referred to in the First Schedule; [Amended 14/19 (cio 25/7/19); 15/21 (cio 5/8/21).]

“scheme” –

(a) means a scheme approved by the Minister; and

(b) includes a scheme specified in the first column of the Second Schedule; [Inserted 15/21 (cio 5/8/21).]

“SCS certificate” means a Smart City Scheme certificate issued under the Smart City Scheme;

“self-employed person” means a non-citizen, referred to in the First Schedule and registered with the Registrar of Businesses under the Business Registration Act or operating as a one person company as defined in the Companies Act; [Amended 14/19 (cio 25/7/19); RR 15/21 (cio 5/8/21).]

“Smart City Scheme” means the Smart City Scheme prescribed under the repealed Investment Promotion Act and deemed to be prescribed under this Act;

“Sustainable City Certificate” means a Sustainable City Certificate issued under the Sustainable City Scheme; [Inserted 15/22 (cio 2/8/22).]

“Sustainable City Scheme” means the Sustainable City Scheme as prescribed or specified in guidelines issued under this Act; [Inserted 15/22 (cio 2/8/22).]

“Transit Oriented Certificate” means the Transit Oriented Certificate issued under the Transit Oriented Scheme; [Inserted 15/22 (cio 2/8/22).]

“Transit Oriented Scheme” means the Transit Oriented Scheme as prescribed or specified in guidelines issued under this Act; [Inserted 15/22 (cio 2/8/22).]

“Vice-chairperson” means the Vice-chairperson appointed under

section 6(2)(b);
[Amended 14/19 (cio 25/7/19).]

“young professional” means a non-citizen referred to in the First Schedule and who is employed in Mauritius by virtue of a contract of employment.
[Added 14/19 (cio 25/7/19); amended 15/21 (cio 5/8/21).]

[s. 2 came into operation on 7 August 2017; amended by s. 21 of Act 11 of 2018 w.e.f. 1 July 2018; s. 16 of Act 13 of 2019 w.e.f. 25 July 2019; s.9 of Act 14 of 2019 w.e.f. 25 July 2019; s.6 of Act 7 of 2020 w.e.f. 7 August 2020; s.22 of Act 15 of 2021 w.e.f. 5 August 2021; s. 39 of Act 14 of 2022 w.e.f. 27 July 2022; s. 16 of Act 15 of 2022 w.e.f. 2 August 2022.]

PART II – ECONOMIC DEVELOPMENT BOARD

3. Establishment of Economic Development Board

(1) There is established for the purposes of this Act the Economic Development Board.

(2) The Economic Development Board shall be a body corporate.
(s. 3 came into operation on 7 August 2017)

4. Objects of Economic Development Board

The objects of the Economic Development Board shall be to –

- (a) provide strong institutional support for strategic economic planning and ensure greater coherence and effectiveness in economic policy formulation;
- (b) promote Mauritius as an attractive investment and business centre, a competitive export platform as well as an international financial centre;
- (c) act as the main institution responsible for country branding for investment promotion; and
- (d) facilitate both inward and outward investment and ensure a conducive business environment.

(s. 4 came into operation on 7 August 2017)

5. Functions and powers of Economic Development Board

(1) The functions of the Economic Development Board shall be to –

- (a) provide high-level strategic and policy advice to Government on economic policy formulation;

(Para (a) came into operation on 7 August 2017)

- (b) initiate and undertake necessary economic research at the macro-economic level, engage with stakeholders on economic matters and formulate investment and trade promotion policies, plans and strategies;
(Para (b) came into operation on 7 August 2017)
- (c) coordinate efforts across different institutions and public sector agencies for economic diversification, upgrading of existing economic sectors and promoting efficiency in export promotion;
(Para (a) came into operation on 7 August 2017)
- (d) advise Government on appropriate policies and strategies for socio-economic development, trade development, export and investment promotion, infrastructure development, labour market improvement and business facilitation;
(Para (d) came into operation on 7 August 2017)
- (e) advise on, and facilitate, the development of major projects which are of significance or strategic importance to the economy;
(Para (e) came into operation on 7 August 2017)
- (f) monitor and evaluate the outcomes of policies and projects;
(para. (f) came into operation on 15 January 2018.)
- (g) improve business environment and undertake such other activities as may be necessary to promote Mauritius as an attractive base for investment and as an international financial centre;
(para. (g) came into operation on 15 January 2018.)
- (h) identify opportunities in new economic sectors and engage with international partners to develop strategic alliances to create the appropriate ecosystem for these sectors;
(para. (h) came into operation on 15 January 2018.)
- (i) spearhead outward investment and assist in developing joint ventures and partnership agreements;
(para. (i) came into operation on 15 January 2018.)
- (j) act as the single interface with all investors and liaise with relevant authorities –
 - (i) for the registration of investors;
 - (ii) to facilitate the issue of licences or permits, or the granting of authorisations or clearances;

(para. (j) came into operation on 15 January 2018.)

(k) administer and manage such scheme as the Minister may approve;

(para. (k) came into operation on 15 January 2018.)

[Amended 11/18 (cio 9/8/18); 7/2020 (cio 7/8/2020); repealed and replaced 15/21 (cio 5/8/21).]

(l) (i) issue such directions to relevant agencies and authorities as may be necessary for the timely issue of licences and permits and the granting of authorisations and clearances;

(ii) request from relevant authorities the grounds for refusal of any licence, permit, authorisation or clearance; and

(iii) issue such directions to public sector agencies and other relevant authorities as may be necessary for the review and re-engineering of the procedures relating to licences, permits, authorisations and clearances and for the publication of appropriate guidelines;

(para. (l) came into operation on 15 January 2018.)

[Amended 11/18 (cio 9/8/18).]

(m) communicate such economic measure as may be required; and

[Added 11/18 (cio 9/8/18); repealed and replaced 15/21 (cio 5/8/21).]

(n) provide facilitation and advisory services to businesses in Mauritius.

[Added 15/21 (cio 5/8/21).]

(2) The Economic Development Board shall have the power –

(a) to set up directorates;

(b) to set up such subcommittee, technical committee, commission or council as may be necessary to assist the Board or the Chief Executive Officer in the discharge of their functions;

[Amended 15/21 (cio 5/8/21).]

(c) notwithstanding section 3A of the Statutory Bodies (Accounts and Audit) Act, to set up, or to hold shares or other interests in special purpose vehicles, including Mauritius-Africa Fund Ltd or such company as the Board may determine;

(ca) to issue such guidelines as it may determine;
[Inserted 14/19 (cio 25/7/19).]

(d) to do such things as are incidental or conducive to the attainment of any of its objects under this Act.

(Subs. (2) came into operation on 15 January 2018.)

(3) In this section –

“licence”, “permit”, “authorisation” or “clearance” means any licence, permit, authorisation or clearance, as the case may be, required in respect of any economic activity and issued by any public sector agency, other than the Bank of Mauritius, the Financial Services Commission or such other statutory body as the Economic Development Board may determine.

[Added 11/18 (cio 1/7/18).]

[S.5 amended by s. 21 of Act 11 of 2018 w.e.f. 9 August 2018; s. 9 of Act 14 of 2019 w.e.f. 25 July 2019; s. 16 of Act 7 of 2020 w.e.f. 7 August 2020; s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

6. The Board

(1) The Economic Development Board shall be administered and managed by a Board.

(2) The Board shall consist of –

(a) a Chairperson, to be appointed by the President on the advice of the Prime Minister after consultation with the Leader of the Opposition;

(b) a Vice-chairperson, to be appointed by the Prime Minister;

[Amended 15/21 (cio 5/8/21).]

(ba) a representative of the Prime Minister’s Office;
[Inserted 15/21 (cio 5/8/21).]

(bb) a representative of the Ministry responsible for the subject of finance;

[Inserted 15/21 (cio 5/8/21).]

(bc) a representative of the Ministry responsible for the subject of housing and land use planning; and

[Inserted 15/21 (cio 5/8/21).]

- (c) not less than 5 but not more than 7 members, to be appointed by the Prime Minister;

[RR 15/21 (cio 5/8/21).]

(3) (a) Every member appointed under subsection (2) shall be a fit and proper person –

- (i) of high integrity from among the business sector, public sector or civil society, with expertise and experience in, but not limited to, banking and finance, agri-business, the energy sector, regional development, information technology, medical research, industry development, higher education and academia, science, innovation, engineering, urban planning and renewal or public policy; and
- (ii) who is not actively engaged in any political activity.

(b) A person, including a non-citizen or non-resident, may be appointed from persons having wide experience at international level in the sectors referred to in paragraph (a)(i).

(4) Every member shall hold office for a period of 3 years on such terms and conditions as the Prime Minister may determine and shall be eligible for reappointment.

(5) Every member shall be paid by the Economic Development Board such fees as the Board may, with the approval of the Prime Minister, determine.

(s. 6 came into operation on 7 August 2017.)

(6) In this section –

“member” –

(a) means a member of the Board; and

(b) includes –

- (i) the Chairperson; and
- (ii) the Vice-chairperson.

[Added 15/21 (cio 5/8/21).]

[S. 6 amended by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

7. Meetings of Board

(1) The Board shall meet as often as is necessary and at such time and place and in such manner as the Chairperson may determine.

(2) In the absence of the Chairperson at a meeting of the Board, the Vice-chairperson shall chair that meeting.

(3) At any meeting of the Board, 5 members shall constitute a quorum.

(4) The Board may co-opt such other persons as may be of assistance in relation to any matter before the Board.

(5) Any person co-opted under subsection (4) shall have no right to vote on any matter before the Board.

(6) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

(s. 7 came into operation on 7 August 2017.)

8. Disclosure of interest

Every member of the Board or the Chief Executive Officer shall, in relation to any matter before the Board, in which he or any person related to him by blood or marriage has a pecuniary or other material interest –
[Amended 15/21 (cio 5/8/21).]

(a) disclose the nature of that interest in writing at or before the meeting convened to discuss that matter; and

(b) not take part in any deliberations of the Board relating to that matter.

(s. 8 came into operation on 7 August 2017.)

9. Powers of Minister

(1) The Minister may, in relation to the exercise by the Board of any of its powers under this Act, after consultation with the Board, give such directions of a general character to the Board as he considers necessary in the public interest, and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such information with respect to its activities as he may require.

(s. 9 came into operation on 7 August 2017.)

PART III – ADMINISTRATION

10. Chief Executive Officer

(1) There shall be a Chief Executive Officer of the Economic Development Board who shall, with the approval of the Prime Minister, be appointed by the Board on such terms and conditions as it may determine.

- (2) The Chief Executive Officer shall be responsible for –
- (a) the execution of the policy of the Board and for the control and management of the day to day business of the Economic Development Board;
 - (b) determining the organisational structure of the Economic Development Board, after prior approval of the Board.

(3) In the discharge of his functions, the Chief Executive Officer shall act in accordance with such directions as he may receive from the Board.

(4) The Chief Executive Officer shall, unless otherwise directed by the Board, attend every meeting of the Board and may take part in its deliberations but shall have no right to vote on any matter before the Board.

(s. 10 came into operation on 7 August 2017.)

11. Delegation of powers

(1) The Board may, subject to subsection (2) and to such conditions as it may impose, delegate to the Chief Executive Officer such of its powers under this Act as may be necessary to assist in the effective administration and management of the Economic Development Board.

(2) The Board shall not delegate its power to borrow money or raise loans.

(s. 11 came into operation on 7 August 2017.)

12. Staff of Economic Development Board

(1) The Board may, on such terms and conditions, appoint such employees as it considers necessary for the proper discharge of its functions under this Act.

(2) Every employee shall be under the administrative control of the Chief Executive Officer.

(3) The Board may make provision in such form as it may determine to govern the conditions of service of the employees and, in particular, for –

- (a) the appointment, dismissal, discipline, pay and leave of the employees;
- (b) appeals by employees against dismissal and other disciplinary measures; and
- (c) the establishment and maintenance of a superannuation scheme and the contributions and the benefits payable to or from the scheme.

(s. 12 came into operation on 7 August 2017.)

PART IV – BUSINESS FACILITATION AND INVESTMENT PROMOTION
Sub-Part A – Registration and Deregistration
[RR 15/21 (cio 5/8/21).]

13. Registration

- (1) Any person who intends to –
- (a) obtain an occupation permit under the Immigration Act 2022 and satisfies the criteria specified in Part I of the First Schedule;
[Amended 14/22 (cio 27/7/22).]
 - (b) obtain a family occupation permit under the Immigration Act 2022 and satisfies the criteria specified in Part II of the First Schedule or such guidelines as may be issued by the Board;
[Amended 14/22 (cio 27/7/22).]
 - (c) obtain a residence permit under the Immigration Act 2022 and satisfies the criteria specified in Part III of the First Schedule; or
[Amended 14/22 (cio 27/7/22).]
 - (d) benefit from any scheme as may be prescribed or specified in guidelines issued under this Act and requiring registration with the Economic Development Board,

shall register with the Economic Development Board.

(2) Every application to register with the Economic Development Board shall be made in such form and manner, and include such information, as the Economic Development Board may determine.

(3) Where the Economic Development Board is satisfied that the applicant qualifies for registration, it shall register the applicant and issue a registration certificate on such terms and conditions as it may determine.

- (4) For the purpose of subsection (1)(a) –
- (a) where an application for an occupation permit requires the views and recommendation of a public sector agency, that public sector agency shall, within 5 working days from the date of a request from the Economic Development Board, submit its views and recommendation; and
 - (b) where no reply is received within the time specified in paragraph (a), it shall be deemed that the public sector

agency has no objection to the application.

[S. 13 amended by s. 9 of Act 14 of 2019 w.e.f. 25 July 2019; repealed and replaced by Act 15 of 2021 w.e.f. 5 August 2021; amended by s. 39 of Act 14 of 2022 w.e.f. 27 July 2022.]

14. Deregistration

(1) Where the Economic Development Board has reason to believe that –

- (a) a registered person –
 - (i) has given any fake or misleading information, document or particulars;
 - (ii) no longer satisfies the criteria and conditions of his registration;
 - (iii) has breached a condition of his registration;
 - (iv) has ceased the economic activity for which he has been registered;
 - (v) is acting or has acted in a way to tarnish the good repute of Mauritius; or
 - (vi) is acting, or has acted, in contravention of any Mauritius laws; or
- (b) it is urgent and necessary to deregister a registered person –
 - (i) for the prevention or mitigation of damage to the integrity and good repute of Mauritius; or
 - (ii) in the interest of public safety, public morality or public health,

the Economic Development Board may, by written notice, require the registered person to show cause, within 30 days of the date of service of the notice, why he should not be deregistered and why his occupation permit, family occupation permit or residence permit, as the case may be, should not be revoked.

(2) Where the Economic Development Board is satisfied that, having regard to all circumstances, it is expedient to do so, it shall deregister the registered person.

(3) (a) Where a registered person intends to cease his activities in Mauritius, he shall immediately give notice in writing to the Chief Executive Officer.

(b) Upon receipt of a notice under paragraph (a), the Chief Executive Officer shall immediately deregister the registered person.

(4) Where a registered person who is a non-citizen is deregistered under this section –

- (a) the Economic Development Board shall forthwith notify the immigration officer; and
- (b) the registered person's occupation permit, family occupation permit or residence permit, as the case may be, shall immediately lapse.

(5) For the purpose of subsection (1), a professional holding an occupation permit issued under Immigration Act 2022 shall not be deemed to have ceased to satisfy the criteria and conditions of his registration where –
[Amended 14/22 (cio 27/7/22).]

- (a) he changes employment and –
 - (i) the new employment satisfies the relevant criteria specified in Part I of the First Schedule;
 - (ii) he informs the Economic Development Board and the immigration officer of the new employment; and
 - (iii) he furnishes any such other information as may be required; or
- (b) he is not employed for a period of 6 months, provided that –
 - (i) within that 6-month period, he informs the Economic Development Board of his new employment which satisfies the relevant criteria specified in Part I of the First Schedule; and
 - (ii) he furnishes any such other information as may be required.

(6) Any registered person who fails to comply with this section shall commit an offence.

(S. 14 came into operation on 15 January 2018; amended by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020; repealed and replaced by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021; amended by s. 39 of Act 14 of 2022 w.e.f. 27 July 2022.)

Sub-Part AA – Premium Investor Scheme

14A. Premium Investor Scheme

(1) There shall be, for the purposes of this Act, a Premium Investor Scheme.

(2) The objects of the Premium Investor Scheme shall be to –

- (a) promote –
 - (i) emerging sectors;
 - (ii) pioneering industries and first movers;
 - (iii) innovative technologies and industries; and
 - (iv) such targeted economic activities as the Minister may approve; and
- (b) facilitate the acquisition of non-strategic assets of the Government.

[Repealed and replaced 12/23 (cio 20/7/23).]

(3) No project shall be considered under the Premium Investor Scheme unless it –

- (a) relates to the manufacture of –
 - (i) pharmaceuticals;
[Amended 12/23 (cio 20/7/23).]
 - (ii) medical devices; or
 - (iii) materials for renewable energy technologies; or
[Added 12/23 (cio 20/7/23).]
- (b) involves a minimum investment of 500 million rupees in –
 - (i) emerging sectors;
 - (ii) pioneering industries and first movers;
 - (iii) innovative technologies and industries;
[Amended 12/23 (cio 20/7/23).]
 - (iiiA) the acquisition or taking over of the whole or part of a Government undertaking;
[Inserted 12/23 (cio 20/7/23).]

(iiiB) the acquisition of more than 50 per cent of the shareholding held, directly or indirectly, by Government in a company;

[Inserted 12/23 (cio 20/7/23).]

(iiiC) a project implemented under an appropriate Environmental, Social and Governance (ESG) framework and having met a minimum ESG score as certified by a recognised rating agency; or

[Inserted 12/23 (cio 20/7/23).]

(iv) such targeted economic activities as the Minister may approve; and

(c) complies with such guidelines as the Economic Development Board may issue.

(4) A person may apply to the Economic Development Board for a Premium Investor Certificate under the Premium Investor Scheme in such form and manner as the Economic Development Board may determine.

(5) Where the Economic Development Board receives an application under subsection (4), the Chief Executive Officer shall –

(a) inform the Board of the application; and

(b) convene a Premium Investor Technical Committee.

(6) The Premium Investor Technical Committee shall consist of such members as the Chief Executive Officer may deem necessary and shall include –

(a) persons who have such qualifications; and

(b) such officers of public sector agencies,

as may be necessary to determine the application.

(7) The Premium Investor Technical Committee shall –

(a) examine the application; and

(b) submit to the Chief Executive Officer a report containing its observations, comments and recommendations.

(8) The Chief Executive Officer shall submit the report of the Premium Investor Technical Committee to the Board.

(9) The Board may, in relation to an application for a Premium Investor

Certificate –

- (a) reject the application;
- (b) refer the application back to the Premium Investor Technical Committee for reconsideration; or
- (c) recommend the application to the Minister.

(10) Where the Board recommends an application to the Minister, he may approve the application on such terms and conditions as he may determine.

(11) Where an application is approved under subsection (10), the Economic Development Board shall issue to the applicant a Premium Investor Certificate on the terms and conditions as the Minister may approve.

(12) (a) The holder of a Premium Investor Certificate may, notwithstanding any other enactment, benefit from –

- (i) rebates, exemptions and preferential rates, in relation to taxes, duties, fees, charges and levies under any enactment;
- (ii) facilities, grants and exemptions in relation to –
 - (A) land and buildings;
 - (B) infrastructure and public facilities;
 - (C) utilities; and
 - (D) labour requirements, including foreign labour,

as the Minister may approve.

(b) Where a Premium Investor Certificate is issued under this section, the Economic Development Board shall post on its website, in respect of the Premium Investor Certificate –

- (i) the name of the holder; and
- (ii) the benefits conferred thereto.

[14A inserted by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021; amended by s. 24(a)(i) of Act 12 of 2023 w.e.f. 20 July 2023]

Sub-Part AB – Certificates

14B. Certificate

(1) Any person who intends to benefit from a scheme specified in the first column of the Second Schedule shall apply to the Economic Development Board for the corresponding certificate in the second column of that Schedule.

(2) Every application under subsection (1) shall be made to, and processed by, the Economic Development Board in such form and manner as may be prescribed or specified in guidelines issued under this Act.

[14B inserted by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

14C. Suspension or revocation of Certificate

(1) Where the Economic Development Board has reason to believe that –

(a) the holder of a Certificate –

- (i) has, in relation to the Certificate, given false or misleading information, documents or particulars;
- (ii) no longer satisfies the criteria for the grant of the Certificate;
- (iii) has breached a condition of the Certificate;
- (iv) has ceased the economic activity for which he was granted the Certificate;
- (v) is acting, or has acted, in a way to tarnish the good repute of Mauritius;
- (vi) is acting or has acted in contravention of any Mauritius laws; or

(b) it is urgent and necessary to suspend or revoke the Certificate –

- (i) for the prevention or mitigation of damage to the integrity and good repute of Mauritius; or
- (ii) in the interest of public safety, public morality or public health,

it may, by written notice, require the holder of the Certificate to show cause, within 30 days of the date of service of the notice, why his Certificate should not be suspended or revoked.

(2) Where the Economic Development Board is satisfied that, having regard to all circumstances, it is expedient to do so, it shall suspend or revoke the certificate.

(3) Any suspension under this section shall be made on such terms and conditions as the Economic Development Board may determine.

[14C inserted by Act 15 of 2021 w.e.f. 5 August 2021.]

14D. Freeport Certificate

(1) Any person who intends to engage in activities regulated under the Freeport Act shall apply to the Economic Development Board for a freeport certificate in such form and manner as the Economic Development Board may determine.

(2) Every application under subsection (1) shall be processed in accordance with the Freeport Act.

(3) The suspension or revocation of a freeport certificate shall be made in accordance with the provisions of the Freeport Act.

[14D inserted by s.22 of Act 15 of 2021 w.e.f. 5 August 2021.]

Sub-Part B

[Repealed by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

15.-18. –

[S. 15-18 repealed by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

Sub-Part C – Review of Systems of Public Sector Agencies and Public-Private Partnerships [RR 15/21 (cio 5/8/21).]

19. Assistance for review of systems of public sector agencies

With a view to facilitating the doing of business, the Economic Development Board shall provide assistance, support, coordination and cooperation to public sector agencies on the review of systems, procedures and guidelines.

[S. 19 repealed and replaced by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

20. Public-private partnerships

(1) Notwithstanding the Public-Private Partnership Act and the Build Operate Transfer Projects Act 2016, the Economic Development Board may act as a coordinator and facilitator between the BOT Projects Unit and the private sector for the assessment of a public-private partnership project or a BOT

project, its implementation, development and monitoring.

(2) In this section –

“BOT project” has the same meaning as in the Build Operate Transfer Projects Act 2016;

“BOT Projects Unit” has the same meaning as in the Build Operate Transfer Projects Act 2016;

“public-private partnership project” means a project under the Public-Private Partnership Act.

(S. 20 came into operation on 15 January 2018.)

Sub-Part CA – Business Regulatory Review Council

20A. Business Regulatory Review Council

(1) There is established, for the purpose of this Sub-part, a Business Regulatory Review Council which shall –

- (a) develop a national business-related regulatory reform policy on the licensing, permits and authorisations system in Mauritius;
- (b) review the existing licensing, permits and authorisations system in Mauritius;
- (c) make recommendations to the Ministry for any reform to be brought in the light of any deficiencies noted, or improvements to be made, in the licensing, permits and authorisations systems; and
- (d) generally advise the Ministry about matters relating to business regulation.

(2) The Business Regulatory Review Council may require any person to provide it with such information as it may require in furtherance of its functions, provided that no information in relation to specific persons or specific applications shall be requested or disclosed.

(3) The Business Regulatory Review Council may do all such things as may appear necessary, desirable or expedient in the discharge of its functions.

(4) The Business Regulatory Review Council shall consist of –

- (a) a chairperson, to be appointed by the Minister;

- (b) the Chief Executive Officer, or his representative; and
- (c) not less than 5 nor more than 9, members, to be appointed by the Minister.

(5) Every member appointed under subsection (4) shall be a fit and proper person –

[Amended 12/23 (cio 20/7/23).]

- (a) of high integrity from among the business sector, public sector or civil society, with expertise and experience in, but not limited to, banking and finance, agri-business, energy sector, regional development, information technology, medical research, industry development, higher education and academia, science, innovation, engineering, urban planning and renewal or public policy; and
- (b) who is not actively engaged in any political activity.

(6) Every member shall, on such terms and conditions as the Minister may determine, hold office for a period of 3 years from the date of his appointment and may be eligible for reappointment.

(7) The Economic Development Board shall act as Secretariat to the Business Regulatory Review Council and shall be responsible for implementing and monitoring the policy and directions of the Council.

[S. 20A inserted by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021; amended by s. 24(a)(ii) of Act 12 of 2023 w.e.f 20 July 2023.]

Sub-Part D – Business Facilitation One-Stop Shop

21. Business Facilitation One-Stop Shop for enterprises which have a project value exceeding 20 million rupees

(1) There shall be, within the Economic Development Board, an office to be known as the Business Facilitation One-Stop Shop which shall be administered by the Chief Executive Officer.

(2) The object of the Business Facilitation One-Stop Shop shall be to facilitate the setting up and operation of an enterprise which has a project value exceeding 20 million rupees and be a single authority which shall provide all the support and information that the enterprise requires to start and operate its business.

(3) Notwithstanding any other enactment, the Business Facilitation One-Stop Shop shall, in order to facilitate the processing of applications for any registration, permit, licence, authorisation or clearance required by an enterprise referred to in subsection (2) –

- (a) receive all applications from the promoters of the enterprise for registration or any permit, licence, authorisation or clearance under any enactment and transmit each application to the relevant public sector agency; and
- (b) ensure that each application is expeditiously processed by the relevant public sector agency.

(4) (a) Where an application is not likely to be determined within the statutory time limit, the public sector agency shall, as soon as practicable but not later than 3 working days from the statutory time limit, inform the Chief Executive Officer of the reasons for which the application cannot be determined.

(b) On receipt of a notification under paragraph (a), the Chief Executive Officer shall examine the reasons and may make such recommendation to the relevant public sector agency as it may determine.

(S. 21 came into operation on 15 January 2018.)

Sub-Part E – Regulatory Sandbox Licence

22. Application for Regulatory Sandbox licence

(1) Where a person intends to conduct a business activity for which there are no, or there are no adequate, provisions under any enactment, that person may apply for a Regulatory Sandbox licence in accordance with this section.

(2) An application under subsection (1) shall be made to the Economic Development Board electronically in such form and manner as it may determine and shall be accompanied by –

- (a) a business plan or feasibility study outlining the proposed business activity;
- (b) particulars of promoters, beneficial owners and proposed directors; and
- (c) such other information, particulars or documents as may be specified in guidelines issued by the Economic Development Board.

(S. 22 came into operation on 15 January 2018.)

23. Determination of application

(1) On receipt of an application under section 22(1), the Chief Executive Officer –

- (a) may, within 30 days, require the applicant to give such

further information, particulars or documents as may be necessary; and

- (b) shall, as soon as reasonably practicable, refer the application to such technical committee as may be set up, or to such regulatory or other competent authority as the Economic Development Board may determine, for comments, observations and recommendations.

(2) The Economic Development Board may grant or reject an application.

(3) An applicant shall, by notice in writing, inform the Economic Development Board of any material change in his application which may have occurred, whether before or after the issue of a Regulatory Sandbox licence.

(S. 23 came into operation on 15 January 2018.)

24. Issue of Regulatory Sandbox licence

(1) Where an application is granted by the Economic Development Board, it shall issue a Regulatory Sandbox licence on such terms and conditions as it may determine.

(2) Where a Regulatory Sandbox licence has been issued in respect of a business activity and that business activity is subsequently regulated or better regulated under a subsequent enactment, the Regulatory Sandbox licence shall be governed by that enactment.

(S. 24 came into operation on 15 January 2018.)

25. Monitoring of business activity

The Chief Executive Officer shall –

- (a) monitor and supervise a Regulatory Sandbox licensee; or
- (b) where appropriate, refer the monitoring and supervision of a Regulatory Sandbox licensee to such regulatory or competent authority as may be recommended by the technical committee set up under section 23(1)(b).

[S. 25 repealed and replaced by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

26. Suspension or revocation of Regulatory Sandbox licence

(1) Where the Economic Development Board has reason to believe that –

- (a) a Regulatory Sandbox licensee –

- (i) has, in relation to his Regulatory Sandbox licence, given any false or misleading information, document or particulars;
 - (ii) no longer satisfies the criteria for the issue of the licence;
 - (iii) has breached a condition of the licence;
 - (iv) has ceased the economic activity for which he was issued with the licence;
 - (v) is acting, or has acted, in a way to tarnish the good repute of Mauritius;
 - (vi) is acting, or has acted, in contravention with any Mauritius laws; or
- (b) it is urgent and necessary to suspend or revoke the Regulatory Sandbox licence –
- (i) for the prevention or mitigation of damage to the integrity and good repute of Mauritius; or
 - (ii) in the interest of public safety, public morality or public health,

it may, by written notice, require the Regulatory Sandbox licensee to show cause, within 30 days of the date of service of the notice, why his licence should not be suspended or revoked.

(2) Where the Economic Development Board is satisfied that, having regard to all circumstances, it is expedient to do so, it shall suspend or revoke the Regulatory Sandbox licence.

(3) Any suspension under this section shall be made on such terms and conditions as the Economic Development Board may determine.

[S. 26 repealed and replaced by s.22 of Act 15 of 2021 w.e.f. 5 August 2021.]

Sub-Part F – Promotion and Protection of Investments

27. Investment Promotion and Protection Agreement

(1) The Minister may, subject to this Act or any other enactment, enter into arrangements or agreements for the promotion and protection of investments by citizens of Mauritius in the territory of other States and by investors of other States in Mauritius.

(2) The Minister may make such regulations as he thinks fit to give effect to any arrangement or agreement entered into under subsection (1).

(S. 27 came into operation on 15 January 2018.)

Sub-Part G – National Electronic Licensing System [Added 11/18 (cio 30/11/18).]

27A. National Electronic Licensing System

(1) There shall be, for the purpose of business facilitation, a National Electronic Licensing System operated and managed by the Economic Development Board for –

- (a) the making of an application for;
- (b) the processing of an application for; and
- (c) the determination of an application for,

a licence, a permit, an authorisation or a clearance.

(2) An application for a licence, a permit, an authorisation or a clearance shall be made, processed and determined through the National Electronic Licensing System, in such form and manner as may be prescribed.

(3) For the purpose of this section, and notwithstanding the provisions of any other enactment relating to the sharing of information, the Economic Development Board shall obtain information from, and share information among, public sector agencies through the National Electronic Licensing System.

(4) The Economic Development Board may publish reports, updates and statistics on applications for licences, permits, authorisations and clearances made, processed, determined and issued, as the case may be, through the National Electronic Licensing System.

(5) No licence, permit, authorisation or clearance issued electronically through the National Electronic Licensing System shall be denied legal effect, validity and enforceability solely on the ground that it is in electronic form.

(6) In this section –

“licence”, “permit”, “authorisation” or “clearance” means any licence, permit, authorisation or clearance, as the case may be, required in respect of any economic activity and issued by any public sector agency, other than the Bank of Mauritius, the Financial Services Commission or such other statutory body as the Economic Development Board may determine.

[S. 27A inserted by s. 21(c) of Act 11 of 2018 w.e.f. 30 November 2018.]

Sub-Part H – Promotion and Development of Sports
(RR 7/2020 (cio 7/8/2020).]

27B. Sports Economic Commission

There shall be for the purposes of this Sub-part a commission to be known as the Sports Economic Commission.

[S. 27B inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

27C. Objects of Commission

The objects of the Commission shall be to –

- (a) promote Mauritius as an international centre for the hosting of international multi-disciplinary sports events;
- (b) facilitate and promote the Mauritius Sportstech Incubator to start-ups;
- (c) regulate, facilitate and issue approval to existing and new sports infrastructure development under the PPP model; and
- (d) facilitate the development of track and trail under the sponsorship and partnership of the private sector to promote Sports Tourism.

[S. 27C inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

27D. Functions of Commission

The functions of the Commission shall be to –

- (a) determine whether a proposal under the private and public partnership shall bring significant economic benefits;
- (b) set out the relevant requirements and criteria and issue the necessary approval in such manner as may be prescribed.

[S. 27D inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

27E. Composition of Commission

The Commission shall consist of –

- (a) the Chief Executive Officer or his representative, who shall be the chairperson;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry responsible for the subject of sports;

- (d) a representative of the Ministry responsible for the subject of finance; and
- (e) 2 persons having experience in the field of sports, to be appointed by the Prime Minister on such terms and conditions as the Prime Minister may determine.

[S. 27E inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

27F. Interpretation of Sub-part

In this Sub-part –

“Commission” means the Sports Economic Commission.

[S. 27F inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

Sub-Part I – Business Obstacle Alert Mechanism

[Added 7/2020 (cio 7/8/2020).]

27G. Business Obstacle Alert Mechanism

(1) There shall be, for the purpose of business facilitation, a Business Obstacle Alert Mechanism.

(2) The functions of the Business Obstacle Alert Mechanism shall be to –

- (a) enable an enterprise to log in any bottlenecks in relation to delays in the determination of licences, permits, authorisations or other clearances;
- (b) enquire about any issue and make recommendations to public sector agencies; and
- (c) report and publish any remedial action taken.

[S. 27G inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

Sub-Part J – Trusted Trader Committee

27H. Trusted Trader Committee

(1) There shall be a committee to be known as the Trusted Trader Committee.

(2) The Committee shall, in the discharge of its functions, be responsible for the approval of trusted trader certificates to be issued under the Dangerous Chemicals Control Act, the Fisheries and Marine Resources Act, the National Agricultural Products Regulatory Office Act, the Pharmacy Act, the

Plant Protection Act and such other enactment as may be prescribed.

- (3) The Committee shall consist of –
- (a) the Financial Secretary or his representative, as chairperson;
 - (b) a representative of the Ministry responsible for the subject of agriculture;
 - (c) a representative of the Ministry responsible for the subject of fisheries;
 - (d) a representative of the Ministry responsible for the subject of health;
 - (e) a representative of the Economic Development Board; and
 - (f) a representative of the Mauritius Revenue Authority.
- (4) The Committee –
- (a) shall meet as and when required;
 - (b) shall regulate its meetings and proceedings in such manner as it may determine; and
 - (c) may, in the discharge of its functions, co-opt such other members as it may determine.

[S. 27H inserted by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

Sub-Part K – National Contact Point for Responsible Business Conduct

27J. National Contact Point

(1) There shall be a National Contact Point for Responsible Business Conduct for the purpose of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

(2) The functions of the National Contact Point for Responsible Business Conduct shall be to –

- (a) raise awareness among businesses and other stakeholders on such matters as may be prescribed;
- (b) contribute to the resolution of such issues and in such manner as may be

prescribed; and

- (c) do such other things as may be necessary for the purpose of this Sub-part.

- (3) In this section –

“OECD Guidelines for Multinational Enterprises on Responsible Business Conduct” means the Guidelines for Multinational Enterprises on Responsible Business Conduct issued by the Organisation for Economic Co-operation and Development, as may be amended from time to time.

[S. 27J added by s. 24 of Act 12 of 2023 w.e.f. 20 July 2023.]

PART V – FINANCIAL PROVISIONS

28. General Fund

The Economic Development Board shall establish a General Fund –

- (a) into which all monies received from any source by it shall be paid;
- (b) out of which all payments required to be made for the purposes of this Act by it shall be effected.

(s. 28 came into operation on 7 August 2017.)

28A. Film Promotion Fund

(1) The Economic Development Board shall establish a Film Promotion Fund.

(2) The object of the Film Promotion Fund shall be to contribute to the financing of the Film Rebate Scheme.

- (3) There shall be paid –

- (a) into the Film Promotion Fund –

- (i) such amount or such percentage, as may be prescribed, of net value added tax collections in every quarter;

- (ii) by the Director-General –

- (A) the tax paid yearly under the Income Tax Act by film production and film studio companies and their employees;

- (B) the tax withheld periodically under the Income Tax Act by film production companies;
- (C) such percentage of the total income tax paid yearly to the Director-General, as may be prescribed;
- (iii) such sum from the Consolidated Fund, and during such period, as the Minister responsible for the subject of finance may determine;
- (iv) such other sum as may lawfully accrue to the Film Promotion Fund;
- (b) out of the Film Promotion Fund, such percentage of expenses incurred by film production companies under subsection (4)(b), as the Economic Development Board may determine.
- (4) The Economic Development Board shall –
 - (a) establish criteria for determining what constitutes big film projects;
 - (b) for the purpose of subsection (3)(b), determine the percentage of qualifying production expenditure incurred by film production companies, which shall be refundable.
- (5) In this section –

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

[S.28A inserted by s. 21 of Act 11 of 2018 w.e.f. 1 July 2018.]

29. Estimate of income and expenditure

- (1) The Economic Development Board shall submit to the Minister, not later than 31 March in every year, an estimate of its income and expenditure in respect of the following financial year for his approval.
- (2) Where the Minister gives his approval under subsection (1), he may –
 - (a) approve only part of the expenditure under any item; and
 - (b) direct the Economic Development Board to amend the estimate in respect of any item in such manner as he may determine.

(S. 29 came into operation on 15 January 2018.)

PART VI – MISCELLANEOUS

30. Declaration of assets

(1) Every member of the Board, the Chief Executive Officer, every Head of such Directorates as may be set up and every employee holding such managerial position as may be prescribed shall file with the Economic Development Board, not later than 30 days from his appointment or transfer, as the case may be, a declaration of his assets and liabilities in the form set out in the Third Schedule.

[Amended 7/2020 (cio 7/8/2020); 15/21 (cio 5/8/21).]

(2) Every person referred to in subsection (1) shall make a fresh declaration of his assets and liabilities, every year, and also on the expiry of his employment or termination of his employment on any ground.

(3) No declaration of assets filed under subsection (1) or (2) shall be disclosed to any person except with the consent of the Chairperson, member of the Board, Chief Executive Officer or employee concerned or, on reasonable grounds being shown, by order of a Judge.

[Amended 15/21 (cio 5/8/21).]

[S. 30 came into operation on 7 August 2017; amended by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020; s.22 of Act 15 of 2021 w.e.f. 5 August 2021).]

31. Disqualification

A person shall be disqualified as member of the board or Chief Executive Officer if he –

- (a) commits any default or breach of trust or is guilty of serious misconduct in the discharge of his functions under this Act or has otherwise engaged in conduct which, in the opinion of the Prime Minister or Board, as the case may be, renders him unfit to be appointed or to continue in office;
- (b) is convicted of an offence of such nature as, in the opinion of the Prime Minister or Board, as the case may be, renders him unfit to continue in office; or
- (c) is suffering from such mental or physical infirmity as to render him unfit to discharge his functions under this Act.

(S. 31 came into operation on 7 August 2017.)

[S. 31 amended by s.22 of Act 15 of 2021 w.e.f. 5 August 2021].]

32. Resignation

Any member of the Board or the Chief Executive Officer may resign from his office by giving at least one month's notice in writing of his intention to resign, in the case of –

- (a) the Chairperson, to the President;
- (b) other members of the Board, to the Prime Minister; and
- (c) the Chief Executive Officer, to the Board.
(S. 32 came into operation on 7 August 2017.)

[S. 32 amended by s. 22 of 15 of 2021 w.e.f. 5 August 2021.]

33. Protection from liability

No liability, civil or criminal, shall be incurred by the Economic Development Board, a member of the Board, an employee, the Chief Executive Officer or a member of any subcommittee, Commission, Council or technical committee in respect of any act done or omitted in good faith in the discharge of its or his functions or exercise of powers under this Act.

(S. 33 came into operation on 7 August 2017.)

[S. 33 amended by s 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

34. Execution of documents

(1) Subject to subsection (2), all documents shall be deemed to be executed by, or on behalf of, the Economic Development Board if signed by the Chairperson or the Chief Executive Officer or any of their representatives.

(2) Every cheque of the Economic Development Board shall be signed by any 2 of the following persons –

- (a) the Chairperson or his representative;
- (b) the Chief Executive Officer or his representative; or
- (c) such other person as the Board may appoint for that purpose.

[S. 34 repealed and replaced by s.22 of Act 15 of 2021 w.e.f. 5 August 2021.]

35. Annual report

(1) The Economic Development Board shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the

operations of the Economic Development Board, in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Economic Development Board before the Assembly.

(3) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(S. 35 came into operation on 15 January 2018.)

36. Exemption

(1) The Economic Development Board shall be exempt from the payment of any duty, levy, rate, charge, fee or tax.

(2) No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Economic Development Board or under which the Economic Development Board is a beneficiary.

(S. 36 came into operation on 7 August 2017.)

37. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Economic Development Board.

(S. 37 came into operation on 7 August 2017.)

38. Confidentiality

(1) Subject to subsection (2), the Chief Executive Officer and every member of the Board, employee or member of any subcommittee, commission, Council and technical committee set up by the Economic Development Board shall, during or after his period of service with the Economic Development Board, maintain the confidentiality of any matter relating to this Act which comes to his knowledge.

[amended 15/21 (cio 5/8/210.)

(2) No person shall disclose to any other person any matter relating to this Act which comes to his knowledge in the performance of his duties except –

- (a) for the purpose of administering this Act;
- (b) where he is required to do so by law; or
- (c) where he is authorised to do so by the Minister.

(S. 38 came into operation on 7 August 2017.)

38A. Exchange of Information

Notwithstanding section 38, the Economic Development Board may exchange information with a public sector agency.

[S.38A inserted by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

39. Offences

(1) Any person who contravenes this Act or any regulations made under it shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 3 years.

(2) Any person who, for the purposes of this Act, gives any information, particulars or documents or makes any statement which is false or misleading in any material particular shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.

(S. 39 came into operation on 7 August 2017.)

40. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide for –

- (a) the levying of fees and taking of charges;
- (b) the administration of any Scheme, including any obligation on, or a package of, fiscal and other incentives to a person registered under that Scheme;
- (c) the amendment of the Schedules; and
- (d) any matter necessary for, or consequential to, the implementation of this Act.

(S. 40 came into operation on 7 August 2017.)

41. Repeal

(1) Part XIA of the Financial Services Act is repealed.

(2) The Investment Promotion Act is repealed.

(S. 41 came into operation on 15 January 2018.)

42. Consequential amendments

(1) This section shall be in addition to, and not in derogation from, section 43(10).

(2) The Customs Act is amended, in section 168(1), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(3) The Environment Protection Act is amended –

(a) in section 2 –

(i) by deleting the definition of “Board of Investment”;

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

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

(b) by deleting the words “Board of Investment” wherever they appear and replacing them by the words “Economic Development Board”.

(4) The Fashion and Design Institute Act is amended –

(a) in section 11(1), by repealing paragraph (e) and replacing it by the following paragraph –

(e) the Chief Executive Officer of the Economic Development Board or his representative;

(b) in section 30(1) and (12), by deleting the words “Enterprise Mauritius” and replacing them by the words “the Economic Development Board”.

(5) The Fisheries and Marine Resources Act is amended –

(a) in section 8B –

(i) in subsection (2) –

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

(a) be made to the Chief Executive Officer of the

Economic Development Board established under the Economic Development Board Act 2017, in such form and manner as he may determine; and

- (B) in paragraph (c), by deleting the words “section 18B of the Investment Promotion Act” and replacing them by the words “the Economic Development Board Act 2017”;
 - (ii) in subsections (3) and (4), by deleting the words “Managing Director of the Board of Investment” and replacing them by the words “Chief Executive Officer of the Economic Development Board”;
 - (b) in section 8C(2), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”.
- (6) The Freeport Act is amended –
- (a) in section 2 –
 - (i) by deleting the definitions of “Board of investment” and “Managing Director”;
 - (ii) by inserting, in the appropriate alphabetical order, the following new definitions –

“Chief Executive Officer” means the Chief Executive Officer of the Economic Development Board;

“Economic Development Board” means the Economic Development Board established under the Economic Development Board Act 2017;
 - (b) in sections 4(2), 6, 7(3)(a) and (ba)(ii), (5)(a)(i) and (ii) and (6), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (c) in section 9 –
 - (i) in subsections (1) and (2), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;

- (ii) in subsections (4), (5), (6)(b) and (7), by deleting the words “Managing Director” and replacing them by the words “Chief Executive Officer”;
- (d) in section 10 –
 - (i) in subsection (1), by deleting the words “Board of Investment” and “Managing Director” and replacing them by the words “Economic Development Board” and “Chief Executive Officer”, respectively;
 - (ii) in subsection (2), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
- (e) in section 11(1), by deleting the words “Board of Investment” and “Managing Director” and replacing them by the words “Economic Development Board” and “Chief Executive Officer”, respectively;
- (f) in section 12(1), by deleting the words “Managing Director” wherever they appear and replacing them by the words “Chief Executive Officer”;
- (g) in sections 13, 14(3), 15(1)(a) to (c), 20(4) and (5) and 21, by deleting the words “Managing Director” and replacing them by the words “Chief Executive Officer”;
- (h) in section 22(1)(d), by deleting the words “Managing Director” and “Board of Investment” and replacing them by the words “Chief Executive Officer” and “Economic Development Board”, respectively;
- (i) in section 24(1)(b), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
- (j) in section 26 –
 - (i) in subsections (1) and (10), by deleting the words “Board of Investment” wherever they appear and replacing them by the words “Economic Development Board”;
 - (ii) in subsection (11), by deleting the words “Managing Director” and replacing them by the words “Chief Executive Officer”;

- (k) in the First Schedule and in item 3(l)(ii) of the Second Schedule, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”.
- (7) The Immigration Act is amended –
- (a) in section 2 –
 - (i) by deleting the definition of “Board of investment”;
 - (ii) in the definition of “investor”, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (iii) in the definition of “Mauritian Diaspora Scheme”, by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (iv) in the definition of “professional”, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (v) in the definition of “Property Development Scheme”, by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (vi) in the definitions of “retired non-citizen” and “self-employed non-citizen”, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (vii) in the definition of “Smart City Scheme” by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (viii) by inserting, in the appropriate alphabetical order, the following new definition –

“Economic Development Board” means the Economic Development Board established under the Economic Development Board Act 2017;
 - (b) in section 5 –

- (i) in subsection (1)(ha), by deleting the words “Board of Investment under the Investment Promotion Act” and replacing them by the words “Economic Development Board”;
 - (ii) in subsection (3)(a), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (c) in section 5A –
 - (i) in subsection (1)(aa), by deleting the words “Part IV of the Schedule to the Investment Promotion Act” and replacing them by the words “the Schedule”;
 - (ii) in subsection (5)(a), by deleting the words “Part III of the Schedule to the Investment Promotion Act” and replacing them by the words “items 1 and 3 of Part II of the First Schedule to the Economic Development Board Act 2017”;
 - (iii) in subsection (5A), by deleting the words “Part I of the Schedule to the Investment Promotion Act” and replacing them by the words “Part I of the First Schedule to the Economic Development Board Act 2017”;
- (d) in section 6(1A), by deleting the words “Board of Investment” and “Investment Promotion Act” and replacing them by the words “Economic Development Board” and “Economic Development Board Act 2017”, respectively;
- (e) in section 6A(1)(b)(i), by deleting the words “Board of Investment” and “Investment Promotion Act” and replacing them by the words “Economic Development Board” and “Economic Development Board Act 2017”, respectively;
- (f) in section 7(1)(k), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (g) in section 9A –
 - (i) in subsection (1) –

- (A) by deleting the words “Board of Investment” wherever they appear and replacing them by the words “Economic Development Board”;
 - (B) in paragraph (c), by deleting the words “Schedule to the Investment Promotion Act” and replacing them by the words “First Schedule to the Economic Development Board Act 2017”;
 - (ii) in subsections (3), (4)(b)(i) and (7), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (h) in sections 9B(1) and 9C(1), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (i) by adding the Schedule set out in the Third Schedule to this Act.
- (8) The Income Tax Act is amended –
- (a) in section 2, by inserting, in the appropriate alphabetical order, the following new definition –

“Economic Development Board” means the Economic Development Board established under the Economic Development Board Act 2017;
 - (b) in section 111N(10)(c), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (c) in section 154(2)(e) –
 - (i) by deleting the words “Board of Investment under the Investment Promotion Act” and replacing them by the words “Economic Development Board”;
 - (ii) in subparagraph (i), by deleting the words “items 1, 2 and 3 of Part I and Part II of the Schedule to the Investment Promotion Act” and replacing them by the words “items 1, 8 and 9 of Part I, and items 1 and 3 of Part II, of the First Schedule to the Economic Development Board Act 2017”;

- (d) in section 161A(2C) and (14)(a), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (e) in the Second Schedule, in Part II, in Sub-part C –
 - (i) in item 13(a), by deleting the words “Board of Investment established under the Investment Promotion Act” and replacing them by the words “Economic Development Board”;
 - (ii) in item 27, by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (iii) in item 31(1), by deleting the words “Board of Investment” wherever they appear and replacing them by the words “Economic Development Board”;
 - (iv) in item 32, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”.

(9) The Jewellery Act is amended, in section 5(2)(e), by deleting the words “Enterprise Mauritius” and replacing them by the words “the Economic Development Board”.

(10) The Land (Duties and Taxes) Act is amended –

- (a) in section 2 –
 - (i) in the definition of “deed of transfer”, in paragraph (l), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (ii) in the definition of “property”, in paragraph (b)(v), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (b) in section 4(6)(a) and (6A), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (c) in sections 28(9)(b) and 39(1A), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;

- (d) in the Eighth Schedule –
 - (i) in paragraphs (p) and (q), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (ii) in paragraph (zf), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”.

- (11) The Maritimes Zones Act is amended –
 - (a) in section 21A –
 - (i) by deleting the definitions of “Board of Investment” and “Managing Director”;
 - (ii) by inserting, in the appropriate alphabetical order, the following new definitions –

“Chief Executive Officer” means the Chief Executive Officer of the Economic Development Board;

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

 - (b) in section 21C –
 - (i) in subsection (1) –
 - (A) in paragraph (a), by deleting the words “Managing Director” and replacing them by the words “Chief Executive Officer”;
 - (B) in paragraph (c), by deleting the words “section 18B of the Investment Promotion Act” and replacing them by the words “the Economic Development Board Act 2017”;
 - (ii) in subsections (2) and (3), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;

 - (d) in section 21D(2), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”.

(12) The Morcellement Act is amended, in the First Schedule, in paragraph (e), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(13) The Non-Citizens (Employment Restriction) Act is amended –

(a) in section 3(6) –

(i) by deleting the words “Managing Director of the Board of Investment” and replacing them by the words “Chief Executive Officer of the Economic Development Board”;

(ii) by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;

(b) in section 4(3)(ii), by deleting the words “Board of Investment under the Investment Promotion Act” and replacing them by the words “Economic Development Board under the Economic Development Board Act 2017”.

(14) The Non-Citizens (Property Restriction) Act is amended, in section 3(3)(c) –

(a) in subparagraph (iii), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;

(b) in subparagraphs (iv) and (v), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;

(c) in subparagraph (vii), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(15) The Planning and Development Act is amended, in section 46(6), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(16) The Public Procurement Act is amended, in the Schedule, in Part IV, by deleting the item “Enterprise Mauritius”.

(17) The Registration Duty Act is amended –

(a) in section 3 –

- (i) in subsection (1A), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (ii) in subsection (1B), by deleting the words “Investment Promotion Act” and “Board of Investment” and replacing them by the words “Economic Development Board Act 2017” and “Economic Development Board”, respectively;
- (iii) in subsection (1C), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (iv) in subsection (1F) –
 - (A) in paragraph (a), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (B) in paragraph (b), by deleting the words “Investment Promotion Act” and “Board of Investment” and replacing them by the words “Economic Development Board Act 2017” and “Economic Development Board”, respectively;
- (b) in section 36(1)(k), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (c) in the First Schedule –
 - (i) in Part II, in item 33, by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
 - (ii) in Part III, in item 37, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
 - (iii) in Part IV, in item 4(a) and (b), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;

- (d) in the Second Schedule, in item 15, by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(18) The Small and Medium Enterprises Development Authority Act is amended –

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

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

- (b) in section 5A –

- (i) in subsection (5), by deleting the words “IPFTC” wherever they appear and replacing them by the words “Economic Development Board”;

- (ii) by repealing subsection (6);

- (c) in section 7(2), by repealing paragraph (e) and replacing it by the following paragraph –

- (e) the Chief Executive Officer of the Economic Development Board or his representative.

(19) The Stamp Duty Act is amended, in section 3(4), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(20) The Statutory Bodies (Accounts and Audit) Act is amended –

- (a) in the First Schedule –

- (i) by deleting the item “Board of Investment” and its corresponding entry;

- (ii) by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Economic Development Board	Economic Development Board Act 2017
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- (b) in the Second Schedule, in Part I –

- (i) by deleting the item “Board of Investment” and its corresponding entry;
- (ii) by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Economic Development Board	Economic Development Board Act 2017
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(21) The Sugar Industry Efficiency Act is amended –

- (a) in section (2) –
 - (i) by deleting the definition of “Board of Investment”;
 - (ii) by inserting, in the appropriate alphabetical order, the following new definition –

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

- (b) in section 29(1)(a)(xii), (xvii), (xviii)(A) and (B), (xix) and (xx), by deleting the words “Board of Investment” wherever they appear and replacing them by the words “Economic Development Board”;
- (c) in the Twelfth Schedule, in Part II, in item 1(d), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;

(22) The Transcription and Mortgage Act is amended, in section 62(4), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”.

(23) The Value Added Tax Act is amended –

- (a) in section 24(7A), by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
- (b) in the First Schedule, in item 65(b), by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (c) in the Fifth Schedule –

- (i) in item 9, by deleting the words “Investment Promotion Act” and replacing them by the words “Economic Development Board Act 2017”;
- (ii) in item 30, by deleting the words “Board of Investment” and replacing them by the words “Economic Development Board”;
- (d) in the Ninth Schedule, in item 13, by deleting the words “Board of Investment under section 12 of the Investment Promotion Act” and replacing them by the words “Economic Development Board under the Economic Development Board Act 2017”.

(S. 42 came into operation on 15 January 2018.)

43. Transitional provisions and savings

(1) (a) Notwithstanding any other enactment, every person employed by BOI, EM and FSPA shall be dealt with in accordance with this section.

(b) Subject to paragraph (g) every person who, before the commencement of this Act, is employed on the permanent and pensionable establishment of BOI, EM and FSPA shall, on the commencement of this Act, be entitled to be transferred to the permanent and pensionable establishment of the Economic Development Board on terms and conditions which shall be not less favourable than those of his previous employment.

(c) The period of service of every person employed on the permanent and pensionable establishment of BOI, EM and FSPA who is transferred to the Economic Development Board under paragraph (b) shall be deemed to be an unbroken period of service with the Economic Development Board.

(d) Where a person employed on the permanent and pensionable establishment of BOI, EM and FSPA is transferred to the Economic Development Board under paragraph (b), his service with the Economic Development Board shall be approved service for the purposes of the Pensions Act or the Statutory Bodies Pension Fund Act, and any regulations made thereunder, as the case may be.

(e) No person employed on the permanent and pensionable establishment of BOI, EM and FSPA shall, on account of his transfer to the Economic Development Board or any resulting change in his job title, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment.

(f) Any person employed on the permanent and pensionable

establishment of BOI, EM and FSPA who, within 28 days of the commencement of this Act, does not accept to be transferred to the Economic Development Board may –

- (i) at his request, be redeployed, so far as is practicable, to another statutory body, where vacancies in a position similar to that held by him are available; or
- (ii) opt for retirement on the ground of abolition of office and be paid his pension benefits in accordance with the Pensions Act or the Statutory Bodies Pension Funds Act, and regulations made thereunder, as the case may be.

(g) (i) Subject to this subsection, any person employed on the permanent and pensionable establishment of BOI, EM and FSPA, against whom any disciplinary inquiry, investigation or proceeding is pending or in process on the commencement of this Act –

- (A) who is not interdicted, shall be transferred to the permanent and pensionable establishment of the Economic Development Board on terms and conditions which shall be not less favourable than those of his previous employment;
- (B) who is interdicted, may opt to –
 - (I) be transferred to the permanent and pensionable establishment of the Economic Development Board on terms and conditions which shall be not less favourable than those of his previous employment;
 - (II) retire on the ground of abolition of office and be paid pension benefits in accordance with the Pensions Act or Statutory Bodies Pension Funds Act, and regulations made thereunder, as the case may be,

where no disciplinary charge is subsequently found proved against him.

(ii) For the purpose of subparagraph (i)(B)(II), the date of retirement on ground of abolition of office shall be deemed to be the date of the commencement of this Act.

(h) Any disciplinary inquiry, investigation or proceeding, pending

or in process on the commencement of this Act, against any person employed on the permanent and pensionable establishment of BOI, EM and FSPA, shall be taken up, continued or completed by the Economic Development Board and any resulting order or decision shall have the same force and effect as if made by BOI, EM and FSPA, as the case may be.

(i) Notwithstanding any other enactment, every person employed on a fixed term performance contract by BOI, EM and FSPA before the commencement of this Act shall, on the commencement of this Act, continue to be employed on the terms and conditions of his previous contract and be deemed to have been employed by the Economic Development Board.

(2) The assets and funds of BOI, EM and FSPA shall, on the commencement of this Act, vest in the Economic Development Board.

(3) All rights, obligations and liabilities subsisting in favour of or against BOI, EM and FSPA shall, on the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Economic Development Board.

(4) Any licence, certificate, permit, authorisation or clearance issued or granted, or any registration or application granted by BOI, EM and FSPA, if applicable, which is valid and in force on the commencement of this Act, shall be deemed to have been issued or granted by the Economic Development Board and shall remain valid for the period specified in the licence, certificate, permit, authorisation, clearance, registration book or any other document, as the case may be.

(5) Any application made to BOI, EM and FSPA, pending on the commencement of this Act, shall be deemed to have been made to the Economic Development Board and shall be dealt with in accordance with this Act and any other relevant enactment.

(6) Any act or thing done, or any contract or agreement entered into, by BOI, EM and FSPA shall, on the commencement of this Act, be deemed to have been done or entered into by the Economic Development Board.

(7) All proceedings, judicial or otherwise, initiated before and pending on the commencement of this Act, by or against BOI, EM and FSPA, shall be deemed to have been initiated, and may be continued, by or against the Economic Development Board.

(8) Any document, matter or thing which, if this Act had not been passed, would have been admissible in evidence in respect of any matter for, or against, BOI, EM and FSPA shall, on the commencement of this Act, be admissible in evidence in respect of the same matter for, or against, the Economic Development Board.

(9) Notwithstanding any other enactment, the Minister may make regulations to provide that the last financial year of BOI and shall be deemed to include the period between the date following the date of the closing of the last annual accounts of BOI and FSPA and the commencement of this section.

(10) A reference in any enactment, arrangement, agreement or certificate or any other document to –

- (a) the Investment Promotion Act or Part XIA of the Financial Services Act shall be construed as a reference to the Economic Development Board Act 2017;
- (b) the Board of Investment, Enterprise Mauritius or the Financial Services Promotion Agency shall be construed as a reference to the Economic Development Board;
- (c) the Managing Director of the Board of Investment or the Director of the Financial Services Promotion Agency shall be construed as a reference to the Chief Executive Officer of the Economic Development Board;
- (d) the Chairperson of the Board under the Investment Promotion Act or the Chairperson of the Board under Part XIA of the Financial Services Promotion Agency shall be construed as a reference to the Chairperson of the Board of the Economic Development Board Act 2017.

(11) Any regulations made under the repealed Investment Promotion Act or made in relation to the repealed Part XIA of the Financial Services Promotion Agency Act shall be deemed to have been made under this Act.

(12) Any Scheme approved under the repealed Investment Promotion Act shall be deemed to have been approved under this Act.

(13) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

(S. 43 came into operation on 15 January 2018.)

(14) Any investor specified in item 1 of Part VI of the First Schedule who, prior to 1 October 2006, satisfied the corresponding criteria specified in the corresponding third column and was registered with the Board of Investment shall, for the purpose of retaining his permanent residence permit, be deemed to continuously satisfy those criteria.

[Added 15/21 (cio 5/8/21).]

[S.43 amended by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021.]

44. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

FIRST SCHEDULE

[Section 13]

PART I – CRITERIA FOR OCCUPATION PERMIT

1.	Investor	<p>(1) Initial investment of USD 50,000 or its equivalent in freely convertible foreign currency, provided that the investor submits –</p> <p>(a) a certified bank statement from his country of origin or residence, showing sufficient proof of funds; and</p> <p>(b) a written undertaking to transfer USD 50,000 from abroad into his bank account in Mauritius within 60 days from the issuance of his occupation permit.</p> <p>[Repealed and replaced 12/23 (cio 1/8/23).]</p> <p>or</p> <p>(2) Net asset value of at least USD 50,000 or its equivalent in freely convertible foreign currency, for existing businesses and businesses inherited and a cumulative turnover of at least 12 million rupees during the 3 years preceding the application</p> <p>or</p> <p>(3) Initial investment of USD 50,000 or its equivalent in freely convertible foreign currency, of which –</p> <p>(a) a minimum transfer of at least USD 25,000 shall be made within 60 days from the issuance of the occupation permit provided that he submits –</p> <p>(i) a certified bank statement from his country of origin or residence,</p>
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		<p>showing sufficient proof of funds; and</p> <p>(ii) a written undertaking to transfer USD 25,000 from abroad into his bank account in Mauritius within 60 days from the issuance of his occupation permit.</p> <p>and</p> <p>(b) the equivalent of the remaining value shall be in high technology machines and equipment, subject to such criteria as the Chief Executive Officer may determine</p> <p>[Repealed and replaced 12/23 (cio 1/8/23).]</p> <p>(4) For renewal, a minimum gross income of 4 million rupees per year as from third year of registration</p>
<p>[Item 1 amended by s. 24 of Act 12 of 2023 w.e.f. 1 August 2023.]</p>		
<p>2.</p>	<p>Investor for innovative start-ups</p>	<p>(1) Submission of an innovative project to the Economic Development Board</p> <p>or</p> <p>(2) Registered with an incubator accredited with the Mauritius Research and Innovation Council</p> <p>(3) For renewal, such conditions as the Chief Executive Officer may determine</p>

3.	Professional – (1) All sectors (2) Public sector under the Service to Mauritius Programme	Monthly basic salary of at least 30,000 rupees Employment period not exceeding 3 years
[Item 3 repealed and replaced by s. 24 of Act 12 of 2023 w.e.f. 1 August 2023.]		
4.	Young professional [Repealed and replaced 14/22 (cio 27/7/22).]	(1) Completion of at least an undergraduate degree in a local tertiary education institution recognised by the Higher Education Commission [Amended 12/23 (cio 20/7/23).] (2) Completion of an internationally recognised professional certification, equivalent to at least an undergraduate degree, dispensed by a registered institution in Mauritius [Amended 12/23 (cio 20/7/23).]
[Item 4 amended by s. 24 of Act 12 of 2023 w.e.f. 20 July 2023.]		
5.	Self-employed person	(1) Initial investment of USD 35,000 or its equivalent in freely convertible foreign currency provided that the self-employed is engaged in the services sector only and submits – (a) a certified bank statement from his country of origin or residence, showing proof of funds; and (b) a written undertaking to transfer USD 35,000 from abroad into his bank account in Mauritius within 60 days from the issuance of his occupation permit. [Repealed and replaced 12/23 (cio 1/8/23).]

		(2) For renewal, minimum business income of 800,000 rupees per year as from the third year of registration
<u>[Item 5 amended by s. 24 of Act 12 of 2023 w.e.f. 1 August 2023.]</u>		

PART II – CRITERIA FOR FAMILY OCCUPATION PERMIT

	Family	Contribution of USD 250,000 or its equivalent in freely convertible foreign currency to the COVID-19 Projects Development Fund
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PART III – CRITERIA FOR RESIDENCE PERMIT

	Retired non-citizen	<p>Submission of a certified bank statement from the retired non-citizen’s country of origin or residence showing –</p> <p style="text-align: center;">(a) a minimum amount of USD 18,000; or</p> <p style="text-align: center;">(b) a guaranteed minimum income of USD 1,500 per month</p> <p>[Repealed and replaced 12/23 (cio 20/7/23).]</p>

[Part III amended by s. 24 of Act 12 of 2023 w.e.f. 20 July 2023.]

PART IV – CRITERIA FOR PERMANENT RESIDENCE PERMIT

1.	Investor	<p>Minimum investment of USD 375,000 in a field of activity listed in the Schedule to the Immigration Act 2022. [Amended 14/22 (cio 27/7/22).]</p>
2.	Investor	<p>(a) Holder of an occupation permit as investor for at least 3 years</p> <p style="text-align: center;">and</p> <p>(b) A minimum annual gross income of at 15 million rupees for 3 years preceding application or its</p>

		aggregate
3.	Professional	<p>(1) Holder, for at least 3 years, of -</p> <p>(a) an occupation permit as professional; or</p> <p>(b) a valid work permit issued under the Non- Citizens (Employment Restriction) Act</p> <p>and</p> <p>(2) Monthly basic salary of at least 150,000 rupees for 3 consecutive years immediately preceding the application</p>
4.	Self-employed person	<p>(1) Holder, for at least 3 years, of an occupation permit as self- employed</p> <p>and</p> <p>(2) Annual business income of at least 3 million rupees for 3 consecutive years immediately preceding the application</p>
5.	Retired non-citizen	<p>(1) Holder of a residence permit as retired non- citizen for at least 3 years</p> <p>and</p> <p>(2) Transfer of such amounts, by instalments or otherwise, the aggregate of which shall be at least USD 54,000 or its equivalent in freely convertible foreign currency, during the period of 3 years</p>

PART V – CRITERIA FOR ELIGIBILITY FOR PERMANENT RESIDENCE PERMIT BEFORE 1 SEPTEMBER 2020

1.	Investor	Cumulative turnover of at least MUR 12 million during the 3 years preceding the application
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2.	Self-employed	Cumulative business income of at least MUR 2.4 million during the 3 years preceding the application
3.	Professional in the information and communication technologies (ICT) sector and business process outsourcing (BPO) sector	Monthly basic salary of at least MUR 30,000 during the 3 years preceding the application
4.	Professional in any other sector	Monthly basic salary of at least MUR 60,000 during the 3 years preceding the application
5.	Retired non-citizen	(1) Monthly transfer of at least USD 1,500 or its equivalent in freely convertible foreign currency, during the period of 3 years or (2) Cumulative transfer of at least USD 54,000 or its equivalent in freely convertible foreign currency, during the period of 3 years

PART VI – REGISTRATION PRIOR TO 1 OCTOBER 2006

1.	Investor (company only) registered prior to 1 October 2006	Individuals actively involved in the management of the company and holder of an occupation permit Annual turnover exceeding 15 million rupees
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[First Sch. repealed and replaced by s .9 of Act 14 of 2019 w.e.f. 25 July 2019; s. 16 of Act 7 of 2020 w.e.f. 2 September 2020; s.22 of Act 15 of 2021 w.e.f. 5 August 2021; amended by s. 39 of Act 14 of 2022 w.e.f. 27/7/22; amended by s. 24(b)(i)(A) w.e.f. 1 August 2023; amended by s. 24(b)(i)(B) w.e.f. 1 August 2023; amended by s. 24(b)(i)(D) of Act 12 of 2023 w.e.f. 1 August 2023; amended by s. 24(b)(i)(C) w.e.f. 20 July 2023; amended by s. 24(b)(ii) w.e.f. 20 July 2023.]

SECOND SCHEDULE
[Sections 2 and 16]

SCHEMES AND CERTIFICATES

Schemes	Certificates
e-Commerce Scheme	e-Commerce Certificate
Export Development Scheme	Export Development Certificate
Film Rebate Scheme	Film Rebate Certificate
Integrated Modern agricultural Morcellement Scheme [Inserted 15/22 (cio 2/8/22).]	Integrated Modern Agricultural Morcellement Certificate
Invest Hotel Scheme	HIS Certificate
Investment Scheme	Investment Certificate
Mauritian Diaspora Scheme	Mauritian Diaspora Certificate
Premium Investor Scheme	Premium Investor Certificate
Property Development Scheme	PDS Certificate
Smart City Scheme	SCS Certificate
Sustainable City Scheme [Inserted 15/22 (cio 2/8/22).]	Sustainable City Certificate
Transit Oriented Scheme [Inserted 15/22 (cio 2/8/22).]	Transit Oriented Certificate
Yacht Promotion Scheme	Yacht Promotion Certificate

[Second Sch. inserted by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020; repealed and replaced by s. 22 of Act 15 of 2021 w.e.f. 5 August 2021; amended by s. 16 of Act 15 of 2022 w.e.f. 2 August 2022.]

THIRD SCHEDULE

[Amended 7/2020 (cio 7/8/2020).]

[Section 30]

DECLARATION OF ASSETS AND LIABILITIES

I,, of the Economic Development Board, make
(name)
oath/solemn affirmation as a and declare that –

1. I am unmarried/married under the system of
(matrimonial regime)
2. My assets and those of my spouse and minor children (extent and nature of interests therein) in Mauritius and outside Mauritius are as follows –
 - (a) immovable property –
 - (i) freehold
 - (ii) leasehold
 - (b) motor vehicles
 - (c) interest in any partnership, *société*, joint venture or succession
 - (d) securities, including treasury bills, units, etc.
 - (e) cash in bank
 - (f) cash in hand exceeding 50,000 rupees
 - (g) jewellery and precious metals
 - (h) other assets exceeding 50,000 rupees in aggregate (specify)

3. My liabilities and those of my spouse and minor children are as follows –

.....
.....

Sworn/solemnly affirmed by the
abovenamed at
on this day of

.....

Signature

Before me

.....

Master and Registrar
Supreme Court

[Third Sch.amended by s. 16 of Act 7 of 2020 w.e.f. 7 August 2020.]

THIRD SCHEDULE
[Section 42(7)(i)]

SCHEDULE
[Section 5A]

ACTIVITY

Agro-based industry

Audio-visual, cinema and communication

Construction

Education

Environment-friendly and green energy products

Fisheries and marine resources

Freeport

Health care

Information technology

Infrastructure

Initial public offering

Leisure

Manufacturing

Marina development

Warehousing
