

## Government Notice No. 214 of 2020

**THE NATIONAL PENSIONS ACT****Regulations made by the Minister under section 30F  
of the National Pensions Act****1. Citation**

These regulations may be cited as the *Contribution Sociale Généralisée* Regulations 2020.

**2. Interpretation**

In these regulations –

“Act” means the National Pensions Act;

“agreement” means a contract of employment between an employer and a participant, whether oral, written, implied or express;

“basic wage or salary” –

(a) has the same meaning as in the Workers’ Rights Act 2019; and

(b) includes any payable additional remuneration;

“CSG” means the *contribution sociale généralisée* payable under section 30B of the Act;

“domestic service” –

(a) means employment in a private household; and

(b) includes employment as a cook, driver, gardener, *garde malade* or maid;

“employer” means –

(a) a person who employs a participant and is responsible for the payment of remuneration to the participant; and

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- (b) includes –
    - (i) an individual;
    - (ii) a job contractor;
    - (iii) a person, other than a share worker, who shares the profit or gross earnings of another share worker; and
    - (iv) a person who employs a participant who is in the domestic service;

“participant” means a person –

- (a) who enters into, or works under an agreement or a contract of apprenticeship, other than a contract of apprenticeship regulated under the Mauritius Institute of Training and Development Act, whether by way of casual work, manual labour, clerical work, or otherwise, and however remunerated;
- (b) employed on a part-time or full-time basis, whether in a position which is of permanent nature or on a contract of fixed duration; and
- (c) includes –
  - (i) a public sector employee;
  - (ii) a share worker as defined in the Workers’ Rights Act 2019;
  - (iii) a non-citizen employee;
  - (iv) a person employed in the domestic service;
  - (v) a person aged 65 and above;
  - (vi) a person performing atypical work as defined in the Workers’ Rights Act 2019;
  - (vii) an executive director of a company;
  - (viii) a self-employed; but

(d) does not include –

- (i) a non-citizen employee employed by an export manufacturing enterprise who has resided in Mauritius for a continuous period of less than 2 years, including any period of absence which does not exceed 9 consecutive weeks or during which he maintains a residence in Mauritius;
- (ii) a non-citizen who holds a work permit and is an employee of a foreign contractor engaged in the implementation of a project which is funded by a foreign State up to not less than 50 per cent of the estimated project value, from grant or concessional financing, as the Minister may determine;
- (iii) a person taking part in a training scheme set up by the Government or under a joint public-private initiative with a view to facilitating the placement of jobseekers in gainful employment;
- (iv) a non-executive director of a company;

“passive income” means income derived from rent, dividends or interest;

“public sector employee” means –

- (a) a public officer or other employee of a Ministry or Government department;
- (b) an employee of a local authority, the Rodrigues Regional Assembly or a statutory body;
- (c) a constituency clerk or a driver employed by a member of the National Assembly paid out of public funds;

“remuneration” means basic wage or salary;

“self-employed” means –

- (a) an individual, working on his own account, including a non-citizen, who is –
  - (i) a professional such as an accountant, an architect, an attorney, a solicitor, a barrister, an engineer, a land surveyor, a legal consultant, a medical service provider, a project manager, a property valuer, a quantity surveyor, a tax adviser or any other individual carrying out similar type of activity;
  - (ii) in business ; or
  - (iii) a trade person carrying out activities such as mason, cabinet maker, plumber, hairdresser, artist or other similar activities; but
- (b) does not include an individual who derives exclusively passive income.

### **3. Rates of CSG**

For the purpose of section 30B(1) of the Act, where –

- (a) a participant, other than a public sector employee, earns remuneration not exceeding 50,000 rupees in a month –
  - (i) he shall, in respect of that month, pay CSG at the rate of 1.5 per cent of that remuneration; and
  - (ii) his employer shall, on his behalf and in respect of that month, pay CSG at the rate of 3 per cent of that remuneration;
- (b) a participant, other than a public sector employee, earns remuneration exceeding 50,000 rupees in a month –
  - (i) he shall, in respect of that month, pay CSG at the rate of 3 per cent of that remuneration; and

- (ii) his employer shall, on his behalf and in respect of that month, pay CSG at the rate of 6 per cent of that remuneration;
- (c) a participant, who is a public sector employee, earns remuneration not exceeding 50,000 rupees in a month, his employer shall, on his behalf and in respect of that month, pay CSG at the rate of 4.5 per cent of that remuneration;
- (d) a participant, who is a public sector employee, earns remuneration exceeding 50,000 rupees in a month, his employer shall, on his behalf and in respect of that month, pay CSG at the rate of 9 per cent of that remuneration;
- (e) a participant, who is an employee in the domestic service, earns remuneration not exceeding 3,000 rupees in aggregate in a month, whether from one or more employers, his employer shall, on his behalf and in respect of that month, pay CSG at the rate of 3 per cent of that remuneration;
- (f) a participant is a self-employed, he shall pay CSG at an amount of 150 rupees per month; and
- (g) a person is both an employee and a self-employed, CSG shall be payable in accordance with subparagraphs (a) or (b) as applicable and (f).

#### **4. Deduction of CSG by employer**

(1) For the purpose of section 30B(2)(a) of the Act, every employer shall, at the time of paying the remuneration of his participant for any period, deduct from the remuneration of that participant the CSG payable under regulation 3(a)(i) or 3(b)(i), as applicable.

(2) Notwithstanding any agreement, no employer shall, other than in accordance with regulation 3, deduct from the remuneration of a participant any CSG payable by the employer.

(3) Any amount of CSG paid by a participant under regulation 3 shall not be recoverable by the participant from his employer.

(4) Where the Director-General is satisfied that it is not reasonably practicable to collect the CSG payable by an employer in relation to any participant, the Director-General may, by written notice, require the person –

- (a) who, by virtue of any enactment or agreement, is required to pay wages or salary to a participant;
- (b) through whose agency the participant has secured employment; or
- (c) who, directly or indirectly, controls or comes into possession of the wages or salary payable to the participant,

to pay the CSG payable in relation to the participant.

(5) Where a notice is issued under paragraph (4), these regulations shall, with effect from the date specified in the notice, apply to the person named in the notice as they would apply to an employer.

(6) For the purpose of this regulation, where wages or salary are paid to a participant –

- (a) by an agency or a third party;
- (b) through an agency or a third party;
- (c) on the basis of accounts submitted by an agency or a third party;
- (d) in accordance with arrangements made by an agency or a third party;

- (e) by way of fees, commission or other similar payments which relate to his continued employment in the work obtained through an agency or a third party,

the agency or third party, as the case may be, shall be deemed to be the employer of that participant.

## **5. Monthly return**

(1) For the purpose of section 30B(2)(b) of the Act, every employer shall submit to the Director-General, electronically through such computer system as the Director-General may approve, at latest on the last date on which CSG is payable, a monthly return, in an approved form specifying the participant's –

- (a) National Identity Card number or, in the case of a non-citizen of Mauritius, the identification number issued by the immigration officer;
- (b) the full name, pay period, remuneration, CSG rate, CSG payable by the employer, CSG payable by the participant and total CSG payable; and
- (c) such other particulars as the Director-General may determine.

(2) The monthly return specified in paragraph (1) shall be submitted to the Director-General, together with the payment of CSG.

(3) An employer who remunerates a participant more than once in the course of a month shall, for the purpose of submitting a monthly return, aggregate the total CSG so paid and the CSG payable.

## **6. Annual return**

(1) Notwithstanding regulation 5, an employer who is an individual and who –

- (a) employs a participant in his domestic service; or

- (b) is a member of the National Assembly and employs a constituency clerk or a driver, or both, and the constituency clerk or driver is, or both are, as the case may be, paid out of public funds,

may, in respect of a financial year, elect to submit the return referred to in regulation 5 on an annual basis.

(2) An employer who elects, under paragraph (1), to submit the return on an annual basis, shall submit to the Director-General, electronically through such computer system as the Director-General may approve –

- (a) an annual return in an approved form at latest on the last date on which CSG is payable, specifying the particulars specified in regulation 5(1) and relating to each month of the financial year;
- (b) a quarterly statement in an approved form, in respect of each quarter of the financial year, at latest one month after the end of the quarter.

(3) The annual return under paragraph (2) shall be submitted electronically to the Director-General together with the payment of CSG in such manner as specified in regulation 7.

(4) Where an employer has submitted a monthly return under regulation 5 for any month of a financial year, he shall not be entitled to elect to submit an annual return under paragraph (1), in respect of the same financial year.

(5) An employer who remunerates a participant more than once in the course of a month shall, for the purpose of determining the total remuneration for each month, aggregate the remuneration so paid and the CSG payable.

## **7. Payment of CSG**

(1) Subject to paragraphs (2) to (5), an employer of a participant shall, at the end of every completed month in respect of which CSG is payable, pay electronically to the Director-General through such computer system as may be approved by him, the total amount of CSG payable under section 30B of the Act.

(2) Subject to paragraphs (3) to (5), the CSG payable under paragraph shall be paid to the Director-General not later than the end of the month following that month in respect of which CSG is payable.

(3) The due date for the payment of CSG under paragraph (1) in respect of the months of May and November in each year shall, notwithstanding paragraph (2), be 2 days, excluding Saturdays and public holidays, before the end of June and December each year, respectively.

(4) Notwithstanding paragraph (2), where an employer has elected to submit his return on an annual basis under regulation 6(2), the CSG payable under paragraph (1) shall be paid to the Director-General not later than the end of the month immediately following the end of the financial year.

(5) Notwithstanding paragraphs (2) and (3), where an employer is a person who employs a participant who is a seaman and whose remuneration is computed by reference to a portage bill, the employer shall pay to the Director-General any CSG payable under paragraph (1), in respect of a month, not later than one month and 20 days after the end of the month in respect of which CSG is payable.

(6) Notwithstanding paragraph (2), the due date for the payment of CSG under subparagraph (1) in respect of the month of September 2020 shall be not later than the end of November 2020.

(7) A participant who is a self-employed shall, at his option, pay electronically to the Director-General through such computer system as the Director-General may approve, the total amount of CSG payable under section 30B of the Act –

- (a) not later than the end of the month following that month in respect of which CSG is payable; or
- (b) in respect of a financial year, in advance, not later than 31 July in the financial year.

### **8. Arrears of CSG**

Where an employer has been assessed to pay any arrears of CSG, penalty or interest, he shall not be entitled to recover that amount from the participant.

### **9. Maximum penalty**

For the purpose of section 30C(2) of the Act, the penalty shall not exceed 25 per cent of the amount of the additional CSG claimed under an assessment.

### **10. Power to waive penalty or interest**

(1) The Director-General may waive the whole or part of any penalty or interest imposed under these regulations where he is satisfied that failure to comply with these regulations is attributable to a just or reasonable cause.

(2) In the exercise of his power under paragraph (1), the Director-General shall, in writing, record the reasons for waiving the whole or part of the penalty or interest.

### **11. Cessation of business**

(1) Where an employer becomes aware that he will cease to carry on any trade, business or occupation, whether voluntarily

or otherwise, he shall forthwith give written notice thereof to the Director-General and specify in the notice the date on which the cessation will, or is likely to, have effect.

(2) Subject to paragraph (3), an employer referred to in paragraph (1) shall, not later than 15 days after the date of the cessation –

- (a) submit such monthly return or annual return in accordance with regulations 5 and 6, respectively, notwithstanding the fact that the date on which the return would normally be submitted has not occurred; and
- (b) pay any CSG or penalty payable.

(3) Where a person is appointed as an administrator, an executor, a receiver or a liquidator to manage or wind up the trade, business or occupation of an employer, that person shall comply with paragraph (2).

## **12. Commencement**

These regulations shall be deemed to have come into operation on 1 September 2020.

Made by the Minister on 8 September 2020.

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