

A CONSOLIDATED VERSION OF

THE ECONOMIC DEVELOPMENT BOARD ACT

25 July 2019

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)];

[Amended Act 11/2018, Act 13/2019; Act 14/2019]

ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

1. Short title
2. Interpretation

PART II – ECONOMIC DEVELOPMENT BOARD

3. Establishment of Economic Development Board
4. Objects of Economic Development Board
5. Functions and powers of Economic Development Board
6. The Board
7. Meetings of Board
8. Disclosure of interest
9. Powers of Minister

PART III – ADMINISTRATION

10. Chief Executive Officer
11. Delegation of powers
12. Staff of Economic Development Board

PART IV – BUSINESS FACILITATION AND INVESTMENT PROMOTION

Sub-Part A – Registration with Economic Development Board

13. Registration
14. Deregistration

Sub-Part B – IHS Certificate, PDS Certificate, SCS Certificate, Freeport Certificate and e-commerce Certificate

15. Application for IHS certificate, PDS certificate or SCS certificate
16. Issue of IHS certificate, PDS certificate or SCS certificate
17. Application for freeport certificate
- 17A. Application for e-Commerce Certificate
18. Suspension or revocation of certificate

Sub-Part C – Assistance and Public-Private Partnerships

- 19. Assistance for implementation of project
- 20. Public-private partnerships

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

Sub-Part E – Regulatory Sandbox Licence

- 22. Application for Regulatory Sandbox licence
- 23. Determination of application
- 24. Issue of Regulatory Sandbox licence
- 25. Monitoring of business activity
- 26. Suspension or revocation of Regulatory Sandbox licence

Sub-Part F – Promotion and Protection of Investments

- 27. Investment Promotion and Protection Agreement

Sub-Part G – National Electronic Licensing System

- 27A. National Electronic Licensing System

Sub-Part G – Promotion and Development of Sports

- 27A. Sports Economic Commission
- 27B. Objects of Commission
- 27C. Functions of Commission
- 27D. Composition of Commission
- 27E. Interpretation of this Sub-part

PART V – FINANCIAL PROVISIONS

- 28. General Fund
- 28A. Film Promotion Fund
- 29. Estimate of income and expenditure

PART VI – MISCELLANEOUS

- 30. Declaration of assets
- 31. Disqualification
- 32. Resignation
- 33. Protection from liability
- 34. Execution of documents
- 35. Annual report
- 36. Exemption
- 37. Donations
- 38. Confidentiality

- 39. Offences
 - 40. Regulations
 - 41. Repeal
 - 42. Consequential amendments
 - 43. Transitional provisions and savings
 - 44. Commencement
 - FIRST SCHEDULE
 - SECOND SCHEDULE
 - THIRD SCHEDULE
-

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;

“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;

“e-Commerce Scheme” means the e-Commerce Scheme prescribed under this Act;

“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;

“Film Promotion Fund” means the Film Promotion Fund established under section 28A;

“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;

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

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

“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;

“investor” –

(a) means any person registered with the Registrar of Businesses under the Business Registration Act and referred to in item 1, 2, 3, 4, 5, 6, 7 or 8 of Part I of the First Schedule who carries on or intends to carry on any economic activity; and

(b) includes –

(i) a non-citizen; or

(ii) an association or body of persons, whether corporate or incorporate, the control or management of which is vested in persons who are non-citizens; but

(c) does not include a small enterprise or handicraft enterprise registered under the repealed Small Enterprises and Handicraft Development Authority Act;

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

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

“member” –

(a) means a member of the Board; and

- (b) includes –
- (i) the Chairperson; and
 - (ii) the Vice-chairperson;

“Minister” means the Prime Minister;

“occupation permit” has the same meaning as in the Immigration Act;

“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;

“professional” means a non-citizen referred to in item 9 of Part I of the First Schedule and who is employed in Mauritius by virtue of a contract of employment;

“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(7);

“retired non-citizen” means a retired non-citizen referred to in item 12 of Part I of the First Schedule;

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

“self-employed person” means a person, including a non-citizen, referred to in item 11 of Part I of the First Schedule and registered with the Registrar of Businesses under the Business Registration Act;

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

this Act;

“Vice-chairperson” means the Vice-chairperson appointed under section 6(2)(b);

“young professional” means a non-citizen referred to in item 10 of Part I of the First Schedule and who is employed in Mauritius by virtue of a contract of employment.

[Amended 11/2018, 13/2019; 14/2019]

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;
 - (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;

- (c) coordinate efforts across different institutions and public sector agencies for economic diversification, upgrading of existing economic sectors and promoting efficiency in export promotion;
- (ca) to issue such guidelines as it may determine;
- (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;
- (e) advise on, and facilitate, the development of major projects which are of significance or strategic importance to the economy;
- (f) monitor and evaluate the outcomes of policies and projects;
- (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;
- (h) identify opportunities in new economic sectors and engage with international partners to develop strategic alliances to create the appropriate ecosystem for these sectors;
- (i) spearhead outward investment and assist in developing joint ventures and partnership agreements;
- (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;
- (k) administer and manage the Film Rebate Scheme, the Integrated Resort Scheme, the Invest Hotel Scheme, the Mauritian Diaspora Scheme, the Property Development Scheme, the Real Estate Development Scheme or such other Scheme as the Minister may approve;

- (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;
 - (m) conduct regulatory impact assessments at such intervals as the Economic Development Board may determine.
- (2) The Economic Development Board shall have the power –
- (a) to set up directorates;
 - (b) to set up such subcommittee, technical committee or advisory council as may be necessary to assist the Board or the Chief Executive Officer in the discharge of their functions;
 - (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;
 - (d) to do such things as are incidental or conducive to the attainment of any of its objects under this Act.
- (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.

[Amended 11/2018; 14/2019]

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; and
- (c) not less than 6 and not more than 8 other members, to be appointed by the Prime Minister.

(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)

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 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 –

(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 with Economic Development Board

13. Registration

(1) Any investor or other person referred to in the second column of Part I the First Schedule who satisfies the corresponding criteria specified in the third column –

- (a) may register with the Economic Development Board;
- (b) shall register with the Economic Development Board where he wishes to obtain the assistance, support, coordination and co-operation referred to in section 19.

(2) Any investor specified in item 2 of Part II of the First Schedule who, prior to 1 October 2006, satisfied the corresponding criteria specified in the third column and was registered with the Board of Investment shall, for the purpose of retaining his permanent residence permit, continuously satisfy those criteria.

(3) Any person referred to in subsection (1) who is a professional shall include a non-citizen coming to serve Government to service the public sector within the SERVICE TO MAURITIUS PROGRAMME for a period not exceeding 3 years.

(4) Any company which is an investor may apply for registration under the Invest Hotel Scheme, Property Development Scheme or Smart City Scheme.

(5) Notwithstanding subsection (1)(a), any investor referred to in the second column of item 1 of Part I of the First Schedule who intends to operate –

- (a) a private hospital under the Private Health Institutions Act;
- (b) a nursing home under the Private Health Institutions Act;
- (c) a residential care home under the Residential Care Homes Act; or
- (d) a food processing plant,

shall register with the Economic Development Board.

(6) Every application to register with the Economic Development Board shall be made in such form and manner as the Chief Executive Officer may

determine and shall include the following information –

- (a) in the case of an investor or a self-employed person, where applicable –
 - (i) the proposed investment;
 - (ii) the amount of investment to be transferred to Mauritius;
 - (iii) the estimated annual turnover or gross income; and
 - (iv) the nature of the professional activity;
- (b) in the case of a professional, his monthly salary;
- (c) in the case of a retired non-citizen –
 - (i) the amount to be transferred to Mauritius;
 - (ii) the bank through which the transfer is to be effected; and
- (d) such other information as may be specified in the application form.

(7) Where the Economic Development Board is satisfied that the applicant qualifies for registration under this section and meets such conditions as may be specified in guidelines issued by it under section 5(2)(ca), it shall register the applicant and issue a registration certificate on such terms and conditions as it may determine.

(8) Every holder of a registration certificate issued under subsection (7) shall, at all times, satisfy the appropriate criteria specified in Part I or II of the First Schedule or the requirement of the Invest Hotel Scheme, Property Development Scheme or Smart City Scheme and, where applicable, of section 5A(5AA) of the Immigration Act.

[Amended 14/2019]

14. Deregistration

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

- (a) has given, in his application for registration, any information, document or particulars which is false or misleading in any material particular;

- (b) no longer satisfies the criteria for the issue of an occupation permit, a residence permit or a permanent residence permit under the Immigration Act;
- (c) no longer satisfies the criteria and conditions of his registration;
- (d) has acted in such a way as to tarnish the good repute of Mauritius; or
- (e) is acting or has acted in contravention of any laws of Mauritius,

the Economic Development Board may, by written notice, require the 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, residence permit or permanent residence permit, as the case may be, should not be revoked.

(2) Where the Economic Development Board is satisfied that, having regard to all the circumstances of the case, it is expedient to do so, it shall deregister the registered person and forthwith notify the immigration officer of same.

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

(4) Where a registered person who is a non-citizen is deregistered under subsection (2), his occupation permit, residence permit or permanent residence permit, as the case may be, shall lapse immediately.

(5) Any registered person who fails to comply with subsection (3) shall commit an offence.

(6) In this section –

“immigration officer” has the same meaning as in the Immigration Act.

**Sub-Part B – IHS Certificate, PDS Certificate, SCS Certificate,
Freeport Certificate and e-Commerce Certificate**

15. Application for IHS certificate, PDS certificate or SCS certificate

(1) Any person who intends to engage in activities regulated under the Invest Hotel Scheme, Property Development Scheme or Smart City Scheme shall apply to the Chief Executive Officer for an IHS certificate, a PDS certificate or

an SCS certificate, as the case may be, in such form and manner as the Economic Development Board may approve.

(2) Where the Chief Executive Officer receives an application under subsection (1), he shall –

- (a) apprise the Economic Development Board of the application;
- (b) communicate a copy of the application to the relevant public sector agencies and inform them of the outcome of the application; and
- (c) cause the application to be processed in accordance with this Part.

(3) The Economic Development Board may refer any application to such technical committee as may be set up.

16. Issue of IHS certificate, PDS certificate or SCS certificate

Where the Economic Development Board considers that an applicant has satisfied the requirements of the Invest Hotel Scheme, Property Development Scheme or Smart City Scheme for the issue of an IHS certificate, a PDS certificate or an SCS certificate, it shall, within 30 days of the date of receipt of the application under section 15, issue an IHS certificate, a PDS certificate or an SCS certificate, as the case may be, on such terms and conditions as the Economic Development Board may determine.

17. Application for 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 dealt with in accordance with the Freeport Act.

17A. Application for e-Commerce Certificate

(1) Any person who intends to engage in e-Commerce activities under the e-Commerce Scheme shall apply to the Chief Executive Officer for an e-Commerce certificate in such form as the Economic Development Board may approve.

(2) Every application under subsection (1) shall be dealt with in such manner as may be prescribed.

[Inserted 13/2019]

18. Suspension or revocation of certificate

(1) The Economic Development Board may suspend or revoke a certificate issued under section 16 or 17 where –

- (a) it is urgent and necessary to do so for the prevention or mitigation of damage to the integrity of Mauritius or in the interests of public safety, public morality or public health;
- (b) it is urgent and necessary to do so for the protection of the good repute of Mauritius;
- (c) the holder of the certificate has failed to start the operation of his business activity within such time as may be mutually agreed between him and the Chief Executive Officer;
- (d) it is satisfied that the holder of the certificate has committed a material breach of the terms and conditions of the certificate.

(2) Any suspension under subsection (1) shall be made on such terms and conditions as the Economic Development Board may determine.

Sub-Part C – Assistance and Public-Private Partnerships

19. Assistance for implementation of project

(1) Any investor or self-employed person holding a registration certificate may request the Economic Development Board to provide assistance, support, coordination and cooperation with public sector agencies to facilitate and implement his project or business.

(2) Every public sector agency shall request the Economic Development Board to provide assistance, support, coordination and co-operation on the review of systems, procedures and guidelines in order to facilitate the doing of business.

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.

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.

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.

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.

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.

25. Monitoring of business activity

The Chief Executive Officer shall monitor any business activity in respect of which a Regulatory Sandbox licence has been issued and shall ensure that a licensee complies with the terms and conditions of the licence.

26. Suspension or revocation of Regulatory Sandbox licence

(1) The Economic Development Board may suspend or revoke a Regulatory Sandbox licence issued under section 24 where –

- (a) it is urgent and necessary to do so for the prevention or mitigation of damage to the integrity of Mauritius or in the interests of public safety, public morality or public health;
- (b) it is urgent and necessary to do so for the protection of the good repute of Mauritius;
- (c) the licensee has failed to start the operation of his business activity within such time as may be mutually agreed between the Chief Executive Officer and the licensee;
- (d) it is satisfied that the licensee has committed a material breach of the terms and conditions of the licence.

(2) Any suspension under subsection (1) shall be made on such terms and conditions as the Economic Development Board may determine.

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).

Sub-Part G – National Electronic Licensing System

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.

[Added 11/2018]

Sub-Part G – Promotion and Development of Sports

27A. Sports Economic Commission

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

27B. 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.

27C. 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.

27D. 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 representatives of the private sector, to be appointed by the Prime Minister on such terms and conditions as the Prime Minister may determine.

27E. Interpretation of this Sub-part

In this Sub-part –

“Commission” means the Sports Economic Commission.

[Added 13/2019 – Ought to have been Sub-Part H and sections 27B, 27C, 27D, 27E and 27F]

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.

[Inserted 11/2018]

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.

PART VI – MISCELLANEOUS

30. Declaration of assets

(1) Every member, 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 Second Schedule.

(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, Chief Executive Officer or employee concerned or, on reasonable grounds being shown, by order of a Judge.

(s. 30 came into operation on 7 August 2017)

31. Disqualification

A person shall be disqualified as member 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)

32. Resignation

Any member 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)

33. Protection from liability

No liability, civil or criminal, shall be incurred by the Economic Development Board, a member, an employee, the Chief Executive Officer or a member of any subcommittee, advisory 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)

34. Execution of documents

No deed or other document shall be executed or signed by or on behalf of the Economic Development Board unless it is signed by –

- (a) the Chairperson or, in his absence, any other member designated by the Board; and
- (b) the Chief Executive Officer or, in his absence, any other employee designated by the Board.

(s. 34 came into operation on 7 August 2017)

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.

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, employee or member of any subcommittee, advisory 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.

(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)

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.

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”.

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.

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 REGISTRATION WITH THE ECONOMIC DEVELOPMENT BOARD

1. Investor
 - (1) Initial investment of USD 100,000 or its equivalent in freely convertible foreign currency
 - (2) For renewal –
 - (a) a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year; or
 - (b) in relation to an investment having a project value exceeding 20 million rupees, such conditions as the Chief Executive Officer may determine.
2. Investor already operating but not registered with the Economic Development Board
 - (1) Upon initial application –
 - (a) net asset value of at least USD 100,000 or its equivalent in freely convertible foreign currency; and
 - (b) cumulative turnover of at least 12

million rupees during the 3 years preceding the application for occupation permit

(2) For renewal, a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year

3. Investor who has inherited a business in case of death or incapacity of the previous investor
- (1) Upon initial application –
- (a) net asset value of at least USD 100,000 or its equivalent in freely convertible foreign currency; and
- (b) cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit
- (2) For renewal, a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year
4. Investor in high technology machines and equipment
- (1) Initial investment of USD 100,000 or its equivalent in freely convertible foreign currency, of which –
- (a) a minimum transfer of at least USD 25,000 shall be made; and
- (b) the equivalent of the remaining value in high technology machines and equipment, subject to such criteria as the Chief Executive Officer may determine
- (2) For renewal, a cumulative turnover of at least 12 million rupees during the 3 years preceding the application for occupation permit and with a turnover of at least 2 million rupees per year
5. Investor for innovative start-ups
- (1) (a) Initial investment of USD 40,000 or its equivalent in freely convertible currency and a minimum operation expenditure of 20 per cent on research and development
- or
- (b) Registered with an incubator accredited with the Mauritius Research Council and a minimum operation expenditure of 20 per cent on research and development

- (2) For renewal, such conditions as the Chief Executive Officer may determine
6. Investor
 (only company incorporated under the Companies Act on or after 8 June 2017) operating a food processing plant for food processing activities and for the manufacture of products from agricultural and medicinal plants and herbs either as intermediate goods or finished products
- (1) Goods shall be produced by a process involving a value addition of not less than 20 per cent of the ex-factory cost of the finished product
- (2) Goods intended for export shall satisfy the rules of origin of preferential markets
 and
- (3) At least 50 per cent of the final products manufactured by the company are exported, after 2 years as from the date from which the company starts its operation
7. Investor (company only) for the setting up of a film studio in Mauritius
- (1) Investment of at least one billion rupees or its equivalent in freely convertible foreign currency
 and
- (2) Investor to provide facilities to film production companies
8. Any other investor Project value exceeding 20 million rupees
9. Professional in –
- (a) information and communication technologies (ICT) sector or business process outsourcing (BPO) sector Monthly basic salary of at least 30,000 rupees
- (b) any other sector Monthly basic salary at least 60,000 rupees

10. Young professional Completion of at least an undergraduate degree in a local tertiary education institution recognised by the Tertiary Education Commission in any field listed in Part II of the Schedule to the Immigration Act
11. Self-employed person (1) (a) Initial investment of USD 35,000 or its equivalent in freely convertible foreign currency at the time of issue of occupation permit
- and
- (b) Engaged in services sector only
- (2) For renewal, a cumulative business income of at least 2,400,000 rupees during the 3 years preceding the application for occupation permit and with a business income of at least 600,000 rupees per year
12. Retired non-citizen (1) An initial transfer of at least USD 1,500 or its equivalent in freely convertible foreign currency at the time of issue of residence permit
- and
- (2) (a) Thereafter a monthly transfer of at least USD 1,500 or its equivalent in freely convertible foreign currency
- or
- (b) Thereafter, 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 3 years' validity of the residence permit

PART II – CRITERIA FOR ELIGIBILITY FOR PERMANENT RESIDENCE PERMIT

1. Investor (1) Holder of an occupation permit as investor
- and
- (2) An aggregate turnover of at least 45

million rupees for any consecutive period of 3 years

2. Investor with a minimum investment of USD 500,000
An investor who invests at least USD 500,000 in a qualifying business activity
3. Professional
(1) Holder of an occupation permit as professional

and

(2) Monthly basic salary of at least 150,000 rupees for 3 consecutive years immediately preceding the application
4. Self-employed non-citizen
(1) Holder of an occupation permit as self-employed

and

(2) Annual income at least 3 million rupees for 3 consecutive years immediately preceding the application
5. Retired non-citizen
(1) Holder of a residence permit as retired non-citizen for 3 years

and

(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

[Part I of First Sch. amended by GN 21 of 2018 w.e.f. 15 January 2018, 22 February 2018; Repealed and replaced Act 14/2019]

SECOND SCHEDULE

[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 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
