

**Double Taxation Agreement (Republic of Seychelles) (Amendment)
Regulations 2011**

GN No. 118 of 2011

THE INCOME TAX ACT

Regulations made by the Minister under section 76 of the Income Tax Act

1. These regulations may be cited as the **Double Taxation Agreement (Republic of Seychelles) (Amendment) Regulations 2011**.

2. In these regulations –

"principal regulations" means the Double Taxation Agreement (Republic of Seychelles) Regulations 2005;

"Protocol" means the Protocol amending the Agreement between the Government of the Republic of Mauritius and the Government of the Republic of Seychelles for the Avoidance of Double Taxation with respect to Taxes on Income, signed at Victoria on 3 March 2011, and set out in the Schedule to these regulations.

3. Regulation 2 of the principal regulations is amended in the definition of Agreement by deleting the words "in the Schedule to these regulations" and replacing them by the words "in the First Schedule as amended by the Protocol set out in the Second Schedule to these regulations".

4. The principal regulations are amended –

(a) by renumbering the Schedule as the First Schedule;

(b) by adding, immediately after the First Schedule, the Schedule to these regulations.

5. The Protocol shall come into operation on such date as specified by the Minister in a notice published in the Government Gazette.

Made by the Minister on 12 May 2011.

SCHEDULE

[Regulation 4]

SECOND SCHEDULE

[Regulation 2]

PROTOCOL BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MAURITIUS AND THE GOVERNMENT OF THE REPUBLIC OF SEYCHELLES TO AMEND THE AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME SIGNED AT PORT LOUIS ON 11 MARCH 2005

The Government of the Republic of Mauritius and the Government of the Republic of Seychelles;

Desiring to conclude a Protocol to amend the Agreement between the Contracting Governments for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Port Louis on 11 March 2005 (hereinafter referred to as "the Agreement");

Have agreed as follows:

Article 1

Article 26 of the Agreement shall be deleted and replaced by the following:-

"Article 26

Exchange of Information

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States or of their political subdivisions, in so far as the taxation thereunder is not contrary to this Agreement. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.
3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:
 - (a) to carry out administrative measures at variance with the law and administrative practice of that or of the other Contracting State;
 - (b) to supply information which is not obtainable under the law or in the normal course of the administration of that or of the other Contracting State;
 - (c) to supply Information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).
4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.
5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.”

Article 2

The Governments of the Contracting States shall notify one another, through diplomatic channels, of the completion of the procedures required by their laws for the bringing into force of this Protocol. This Protocol shall enter into force on the date of the later of these notifications and shall have effect as from that date.

Article 3

This Protocol shall remain in force as long as the Agreement remains in force.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol.

Done in duplicate at Victoria this 3rd day of March of the year two thousand and eleven.

Hon. Pravind Kumar JUGNAUTH
Vice-Prime Minister, Minister of Finance
And Economic Development

For the Government of
The Republic of Mauritius

Hon. Danny FAURE
Vice-President

For the Government of the
Republic of Seychelles
