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Social

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## List of Abbreviations

<b>APS</b>	Advance Payment System
<b>CSR</b>	Corporate Social Responsibility
<b>ITA</b>	Income Tax Act 1995
<b>MRA</b>	Mauritius Revenue Authority
<b>NSIF</b>	National Social Inclusion Foundation

## A. Introduction

Fighting poverty has been on the agenda of successive governments in Mauritius. The Budget Speech 2009, enacted in Parliament through the Finance Act 2009 announced that all companies are now required to spend 2 per cent of their profits on CSR or transfer these funds to be used for social and environmental projects.

Furthermore, the country is one of the first in the world to have made it mandatory for profit making entities to devote 2% of their book profits to CSR activities since 2009 with a view to promote a more sustainable development.

Hence, corporate bodies in Mauritius are required to operate a Corporate Social Responsibility (CSR) Fund in accordance with Section 50L of the Income Tax Act 1995 (ITA).

The purpose of this guide is to assist all those corporate concerned bodies in remitting the correct CSR amount at the appropriate time and clarify the areas where CSR money can be used.

CSR is applicable to all profitable companies and resident société except for the following:

- a. A Global Business company;
- b. A bank for its transactions with non-residents or with corporations holding a Global Business Licence;
- c. An IRS company;
- d. A non-resident société, foundation, trust;
- e. A Freeport Operator or Private Freeport Developer in respect of income derived from export; and
- f. A company which has elected to pay a presumptive tax under section 111V.

Companies, listed in Sub Part C of Part II of the Second Schedule of the ITA (Items 11, 11A, 26, 28 to 31, 34, 36 and 38 and any other items as may be prescribed), are exempted from payment of tax but are liable to CSR.

Previously a company or a resident société could expense the whole CSR fund according to its own CSR framework and any amount unspent at the closing date of accounts was then remitted to the MRA at the time the return was submitted.

Following the Finance Act 2016, a company or a resident société has an obligation to remit a percentage of its CSR fund to the Director-General in accordance with Section 50L(2)(a) of the ITA.



## B. Definition of CSR programme

CSR programme is defined in Section 2 of the ITA as a programme having as main objective to alleviate poverty, to relieve sickness or disability, to advance the education of vulnerable persons or to promote any other public object beneficial to the Mauritian Community.

## C. Calculation of CSR

According to Section 50L of the ITA:-

### a. (i) Company

All profitable companies are required in a year to set up their CSR Fund of an amount equivalent to 2% of their chargeable income of the preceding income year.

### (ii) Société

In the case of a resident société, the net income is deemed to be the chargeable income and any distribution of its net income shall be deemed to be dividends.

### Example 1

**Company C** has a financial year ending on 31 December 2019. 75% of its CSR fund shall be remitted to the Director-General since it was set up on '01 January 2019'.

The CSR fund will be computed at 2% of its previous year's chargeable income, which is, the chargeable income reported in the year ended 31 December 2018.

**Illustration:** Assuming the chargeable income for the year ended 31 December 2018 was Rs. 4m. The CSR fund on 01 January 2019 will be Rs. 80,000.

### Remaining percentage of the CSR Fund

The remaining 25% of the CSR Fund shall be used by the company to implement a CSR Programme or finance a non-governmental organisation implementing a CSR Programme in the priority areas of intervention as specified on page 5.

## D. Priority Areas of Intervention

A CSR programme can be implemented in the following priority areas of intervention as specified in Part A and Part AA of the Tenth Schedule to the ITA:

- Dealing with health problems
- Educational support and training
- Environment and sustainable development
- Family protection, including gender-based violence
- Fields of advocacy, capacity building and research for consideration as crosscutting throughout the priority areas of intervention
- Leisure and sports
- Peace and nation-building
- Road safety and security
- Social housing
- Socio-economic development as a means for poverty alleviation
- Supporting people with disabilities
- Such other areas as the Minister may determine

### Note:

The priority areas specified above shall target individuals and families who are registered under the Social Register of Mauritius and vulnerable groups under the Charter of the National Social Inclusion Foundation.

- Restoration of a building designated as a national heritage under the National Heritage Fund Act (amended in Finance Act 2021, w.e.f 05 August 2021).

## **E. Prohibition to use CSR Fund**

Activities and contributions which do not qualify under the CSR Fund are as follows:

- Any activity discriminating on the basis of race, place of origin, political opinion, colour, creed or sex
- Any activity promoting alcohol, cigarettes or gambling
- Any activity targeting shareholders, senior staff or their family
- Contribution to any Government department or parastatal body
- Contribution to natural disasters mitigation programme
- Contribution to political or trade union activities
- Contribution to religious or spiritual activities
- Sponsorship for the purpose of marketing for companies
- Staff welfare and training of employees

## **F. Remittance of CSR to the MRA**

**75% of the CSR Fund shall be remitted to the Director-General as follows:**

- a. in the case of a company required to submit an APS Statement under Sub-part AA of the ITA, 'Advance Payment System' -
  - i. for the first three quarters, 25 per cent for each of the quarters together with the APS Statement are required to be submitted under section 50B of the ITA; and
  - ii. for the last quarter, 25 per cent at the time the company submits its annual return under section 116 of the ITA;
- b. a company which is not required to submit an APS Statement under section 50B(4), should remit the CSR together with its annual return under section 116 or 119 of the ITA.

## **G. No Deduction allowed against any credit available**

Any amount of CSR payable shall not be reduced or offset by any credit or against any tax which may be available under the ITA.

## Authorisation to remit a reduced amount to the MRA

In respect of CSR Fund set up on or after 01 January 2019, where the company has not completed a project which was started prior to 01 January 2019 and which is in accordance with the guidelines set by the National Social Inclusion Foundation, it may apply to the National Social Inclusion Foundation for approval to retain an additional amount of less or equal to 25% of the CSR Fund out of 75% payable to the MRA.

## H. Illustration

### For companies with financial year ending 31 December 2019

The financial year of the company is from January to December.

CSR Fund is set up at the beginning of the year and therefore the CSR fund, based on the company's chargeable income of the preceding year, was created on 01 January 2019. CSR fund amounts to Rs 600,000. Hence, at least 75% of the CSR Fund, Rs 450,000 will have to be remitted to the Director-General, MRA for onward payment to the National Social Inclusion Foundation. This payment to the MRA should be made through the company's APS statement as follows:

Quarter	Period	Amount to be remitted		Payable on/before
1	01 January 2019 to 31 March 2019	25%	Rs. 112,500	26.06.2019
2	01 April 2019 to 30 June 2019	25%	Rs. 112,500	30.09.2019
3	01 July 2019 to 30 September 2019	25%	Rs. 112,500	27.12.2019
Annual Income Tax Return		25%	Rs. 112,500	26.06.2020

Any **unspent** CSR balance as at 31 December 2019 has to be remitted with the Annual Income Tax Return.

The remaining 25% of the CSR fund, Rs. 150,000 may be used by the company to implement a CSR programme in the priority areas of intervention.



Some examples showing the financial year end, the date for the setting up of CSR Fund and the proportion of CSR to be remitted to Director-General, are given below:

Financial year ended	CSR fund set up	Amount to be remitted (%)
31 December 2020	01 January 2020	75
31 March 2021	01 April 2020	75
30 June 2021	01 July 2020	75
31 March 2022	01 April 2021	75
31 December 2022	01 January 2022	75

## I. Freeport Operator

Where a freeport operator or private freeport developer is engaged in the sale of goods on the local market, CSR fund shall be calculated as per Section 50L (14) of the ITA, using the formula set out below -

$$\frac{a \times c \times 2 \text{ per cent}}{b}$$

where:

**a** is the gross income derived from sale of goods on the local market for the preceding year

**b** is the gross income derived from all the activities of the freeport operator or private freeport developer for the preceding year

**c** is the chargeable income for the preceding year.

## J. Gambling Operator

A gambling operator licensed with the Gambling Regulatory Authority, and listed under Part II of the Fifth Schedule to the Gambling Regulatory Authority Act, may claim as a deduction from gambling levy, any amount paid towards the setting up of a CSR Fund as set out in the Gambling Regulatory Act under Section 115A.

## K. Assessment

Where, in respect of a year of assessment, the Director-General has reason to believe that money has not been spent in respect of a CSR Fund (as specified on page 4 under 'Calculation of CSR'), he may raise an assessment under section 129 of the ITA.





Ehram Court, Cnr Mgr. Gonin & Sir Virgil Naz Streets, Port Louis, Mauritius  
T: +230 207 6000 | F: +230 211 8099 | E: [headoffice@mra.mu](mailto:headoffice@mra.mu) | W: [www.mra.mu](http://www.mra.mu)

