

NOTES FOR COMPLETION OF ANNUAL RETURN OF INCOME OF A COMPANY

YEAR OF ASSESSMENT 2008-2009

These notes are intended to assist in the completion of the return. If further information is required please contact the Mauritius Revenue Authority (MRA), Efram Court, Ground Floor, Cnr Mgr Gonin & Sir V. Naz Streets, Port Louis, Tel 207-6000

Note 1 Declaration

This section should be completed after filling in all items on pages 1 to 4.

Regarding payment, cheque should be crossed and made payable to the *Director-General, MRA*. Full name and tax account number of the company should be written on the verso of the cheque.

Note 2 Trading and Profit and Loss Account

The company's Trading and profit & loss a/c should be given on page 2

No accounts should be attached. Any item of expenditure in the Trading & Profit & Loss a/c not indicated on the return should be included in item 33 'other expenses'.

Note 3 Balance Sheet

The details of Balance Sheets items should be given at page 3.

Note 4 Computation of Chargeable Income

The profit as per the profit & loss a/c is not the taxable profit as not all items of income are taxable nor are all items of expenses deductible for tax purposes. The net profit/loss as per Profit and Loss a/c needs to be adjusted to arrive at the chargeable income.

General Rule for deduction of expenses

Any expenditure or loss to the extent to which it is exclusively incurred in the production of the gross income of the business is deductible from the gross income.

Unauthorised deductions

The following items of expenditure are specifically prohibited by Section 26 of the Income Tax Act -

- (a) any investment, expenditure or loss to the extent to which it is capital or of a capital nature;
- (b) any expenditure or loss to the extent to which it is incurred in the production of income which is exempt income;
- (c) any reserve or provision of any kind;
- (d) any expenditure or loss recoverable under a contract of insurance or of indemnity;
- (e) any expenditure incurred in providing business entertainment or any gift;
- (f) any tax payable under the Land (Duties and Taxes) Act 1984;
- (g) income tax or foreign tax;
- (h) any expenditure or loss to the extent to which it is of a private or domestic nature.

Item 2 - Expenditure incurred in the production of exempt income

- (1) Expenditure or loss exclusively incurred in the production of exempt income is not allowable.
- (2) Where expenditure or loss is incurred in the production of both gross income and exempt income, that part of the expenditure or loss attributable to the production of exempt income shall be calculated using the following formula:

$$\frac{\text{exempt income} \times \text{expenditure or loss}}{\text{total gross income (including exempt income)}}$$

- (3) Where the proportion of exempt income to total gross income in the above formula is 10 per cent or less, no part of the expenditure or loss as determined above shall be disallowed.

Dividends payable

Dividends payable are not deductible in computing the chargeable income of a company.

Item 12 - Dividends receivable

Dividends receivable from a resident company are exempt from tax. However, where a company's income includes exempt income, the expenses incurred to produce such exempt income should be added back in (Item 2 of Page 4). Dividends receivable from outside Mauritius are taxable.

Item 13 - Other exempt income

Apart from the other types of income exempted under Part II of the Second Schedule to the Income Tax Act, the exemption of two-thirds of the net income derived by companies holding an investment certificate issued under the *Investment Promotion (ICT Scheme) Regulations 2002* as provided in the transitional provisions under subsection 7C of section 161A, may also be deducted under this item.

Item 14 - Annual allowance

Depreciation, being a provision, is not an allowable expenditure. A company may instead, claim deduction in respect of annual allowance on capital expenditure at the prescribed rates.

Capital expenditure incurred on

| | Rate as a % of | |
|---|----------------|------|
| | Base Value | Cost |
| 1. Industrial premises excluding hotels | - | 5% |
| 2. Commercial premises | - | 5% |
| 3. Hotels | 30% | - |
| 4. Plant or Machinery – | | |
| (a) costing 30,000 rupees or less | - | 100% |
| (b) costing more than 30,000 rupees – | | |
| (i) ships or aircrafts | 20% | - |
| (ii) aircrafts and aircraft simulators leased by a company engaged in aircraft leasing | - | 100% |
| (iii) motor vehicles | 25% | - |
| (iv) electronic and high precision machinery or equipment, computer hardware and peripherals and computer software | 50% | - |
| (v) furniture and fittings | 20% | - |
| (vi) other | 35% | - |
| 5. Improvement on agricultural land for agricultural purposes | 25% | - |
| 6. Scientific research | 25% | - |
| 7. Golf courses | 15% | - |
| 8. Acquisition or improvement of any other item of a capital nature which is subject to depreciation under the normal accounting principles | - | 5% |

Companies whose application has been approved under the Investment Promotion Act or any other enactment may claim annual allowance in respect of capital expenditure incurred on or before 30 June 2009 at the rate applicable as at 30 June 2006, provided the company has made that option by irrevocable notice.

• **Item 15 - Investment allowance**

Companies that have opted to claim annual allowance at the rate prevailing as at 30 June 2006 may also claim investment allowance on capital expenditure incurred on industrial premises, new plant and machinery and computer software.

• **Item 17 - Overseas marketing and promotional expenses**

The company is entitled to a further deduction of the total expenditure incurred on overseas marketing and promotional expenses over and above the amount already claimed in accounts.

• **Item 19 - Other deductible items**

A further deduction of the amount incurred on emoluments of a disabled person or emoluments or training costs of an employee employed in any business set up in the island of Rodrigues is allowable over and above the amount already claimed in accounts.

• **Item 20 - Profit/(Loss) as adjusted for tax purposes**

- (i) Section 59 of the Income Tax Act provides for the carry forward of losses to be set-off against net income of the following 5 income years.
- (ii) The time limit of 5 years is not applicable for the carry forward of the loss attributable to annual allowances in respect of capital expenditure incurred during the income year.
- (iii) However, the time limit of 5 years will apply to losses attributable to annual allowance in the case of a company which has opted to claim annual allowance at the rates prevailing on 30 June 2006 (2006/07).

• **Item 21 - Loss brought forward from previous year**

- (i) Any unrelieved loss as at 30 June 2006 (including loss attributable to capital allowances) may be carried forward for a maximum period of 5 years.
- (ii) The time limit of 5 years is not applicable for the carry forward of any amount of loss that is attributable to annual allowance claimed in respect of capital expenditure incurred on or after 1 July 2006.

• **Item 23 - Transfer of loss on takeover or merger**

The law provides for the transfer of unrelieved losses where a company takes over another company engaged in manufacturing activities or where 2 or more companies engaged in manufacturing activities merge into one company, provided that the acquiree company is dissolved after the takeover and on such conditions relating to safeguard of employment as may be approved by the Minister.

• **Item 25 - Chargeable Income in Mauritian Rupees**

All transactions should be expressed in Mauritian currency except for those entities to which section 6(4) of the Income Tax Act applies and which are required to convert their net income into Mauritian currency at the exchange rate in force at the date on which the return is submitted to the *Director-General*.

Note 5 **Calculation of tax**

Income Tax Rate

The rate of tax applicable to all companies is 15%

• **Item 2 - Special tax credit**

Section 161A of the Income Tax Act provides for a special tax credit in respect of investment in a company set up for the purpose of operating a spinning factory, and in a company engaged in weaving, dyeing and knitting of fabrics.

• **Item 4 - Alternative Minimum Tax**

This is applicable where a company's "normal tax payable" is less than 7.5% of its book profit. It is not applicable to:

- a company which is exempt from tax; or
- where 10% of the aggregate amount of any dividend declared and any amount distributed by way of shares in lieu of dividend do not exceed the "normal tax payable".

- a company holding a category I Global Business Licence under the Financial Act 2007

"Normal tax payable" is the tax payable arrived at by multiplying the chargeable income of the company by the applicable tax rate and after allowing for any tax credit except credit in respect of foreign tax.

Book Profit is the accounting profit reduced by-

- (i) dividends receivable from resident companies;
- (ii) profits on disposal or revaluation of fixed assets; and
- (iii) profits or gains from sale or revaluation of securities, where such items are credited to profit and loss a/c

and increased by -

- (i) expenditure attributable to the production of dividend, profits or gains from the sale/revaluation of fixed assets/securities;
- (ii) loss on disposal or revaluation of fixed assets; and
- (iii) loss from sale or revaluation of securities, where such items are credited to profit and loss a/c.

• **Item 8 - National Residential Property Tax (NRPT)**

National Residential Property Tax is payable on any residential property (excluding bare land) owned at any time during the year. NRPT should be calculated on a pro-rata basis if the property is acquired, sold or transferred during the year.

NRPT is calculated in case of apartment, flat or tenement with reference to its floor area as specified in the title deed or contract and the rate is Rs 30 per square metre. In the case of any other residential property i.e. building, campement, bungalow etc., the tax is calculated with reference to the surface area of the land at the rate of Rs 10 per square metre. Where the company owns more than 3 residential properties, attach additional sheet(s) as necessary.

• **Item 10 - Tax deducted at source (TDS)**

Any tax deducted at source should be accompanied by a 'Statement of Income Tax deduction' given by the payer in the prescribed format.

A company should take credit of TDS in accordance with the Statement of Income Tax Deduction provided by the payer for the income year immediately preceding the due date for the submission of the relevant annual return.

Companies which had their accounting year ended between 1 July 2007 and 31 December 2007 should **not** take credit for TDS in their annual return for the year of assessment 2008-2009. All TDS in respect of the income year ended 30 June 2008 should be deducted in their annual return for the year of assessment 2009-2010. Attach additional sheet(s) if necessary to give the required details.

• **Item 12 - Balance of tax payable**

Any company which pays tax under the Advance Payment System during the year of assessment 2008-2009 may pay the tax payable in accordance with its annual return for that year of assessment in 3 equal instalment payable by the due date for submission of its annual return for the years of assessment 2008-2009, 2009-2010 and 2010-2011.

• **Item 13 - Interest on unpaid tax**

The law provides for payment of interest at the rate of 1 per cent per month or part of the month during which the tax remains unpaid.

• **Item 14 - Penalty**

Penalty is provided under the law for late submission of return, late payment of tax and failure to submit return electronically.

- **Late submission of return (LSR)**, a penalty of Rs 2000 per month or part of the month is payable until the time the return is submitted. The total penalty is restricted to Rs 20,000.
- **Late payment of tax (LPT)**, a penalty of 5 per cent of the amount of tax is payable on the amount of tax remaining unpaid.
- **Failure to submit return electronically (FSRE)**, a penalty of 20 per cent of the tax (not exceeding Rs 100,000) or Rs 5,000 where no tax liability is declared in the return, is payable where, subject to a written notice given by the *Director-General*, a person fails to justify the failure to submit his return electronically.