

TAN:



INCOME TAX

(The Income Tax Act)

Year of assessment 2008-2009

ANNUAL RETURN - TRUST AND UNIT TRUST

Applicable to a trust and unit trust scheme recognised under the laws of Mauritius

**No accounts should be submitted with the return
All items from the trust's Trading & Profit & Loss account and
Balance Sheet should be given in the return on pages 2 & 3 inside**

This return duly filled in together with payment of tax, if any, should be forwarded so as to reach the Office of the Director-General, **not later than six months** from the end of the month in which the trust's accounting year ends. Companies whose accounting year ended between 1 July 2007 and 31 Dec 2007 should file the return at latest by **30 September 2008**.

Please read the "Notes for completion of annual return" before filling in this form.

1	Full name of trust	
2	Address of registered office	
3	Address of principal place of business	
4	Address for correspondence	
5	Email Address	
6	Main business activity	
7	Does the trust hold a Category I Global Business Licence?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8	Closing date of accounts	(Use DD.MMM) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
9	Was trust in operation during the year?	Yes <input type="checkbox"/> No <input type="checkbox"/>
10	State – (i) place of setting-up of trust (ii) place of central management and control	
11	Has the company paid tax under APS during the year assessment 2008/09? If yes, state whether the company opts to pay the tax payable in 3 instalments.	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
12	Has the trust deposited a declaration of non-residence to the MRA?	Yes <input type="checkbox"/> No <input type="checkbox"/>
13	Full Name of Contact Person	

Declaration (See Note 1)

- I,
- (a) hereby declare that the income, deductions, tax credits and other particulars in this return are true, correct and complete; and
- (b) hereby tender the sum of Rs being the full/the first instalment of the tax payable in accordance with this return.
- (c) hereby apply for a refund of Rs being the tax paid in excess in accordance with this return.

Daytime phone number

Signature

Name

Date

Capacity in which acting

TRADING AND PROFIT AND LOSS ACCOUNT (See Note 2)

1	Turnover or Gross amount receivable	.....	1	
2	Less: Cost of sales	.....	2	
3	Gross Profit/Loss	.....	3	
4	Add: Dividends	.....	4	
5	Interest	.....	5	
6	Rent	.....	6	
7	Royalties	.....	7	
8	Profit on disposal of assets	.....	8	
9	Profit on sale of securities	.....	9	
10	Other income / items credited to profit and loss account	.....	10	
11		Total lines 3 to 10 ➤	11	.....
	Deduct: Expenses per Profit and Loss Account			
12	Wages and salaries	.....	12	
13	Other staff costs	.....	13	
14	Directors' emoluments	.....	14	
15	Commissions and discounts	.....	15	
16	Entertainment expenses, gifts and donations	.....	16	
17	Advertising and promotional expenses	.....	17	
18	Overseas travelling expenses	.....	18	
19	Overseas marketing and promotional expenses	.....	19	
20	Legal and professional fees	.....	20	
21	Management fees	.....	21	
22	Interest and bank charges	.....	22	
23	Loss on foreign currency exchange	.....	23	
24	Electricity, water and telephone charges	.....	24	
25	Rent, rates and taxes	.....	25	
26	Royalties	.....	26	
27	Licences and insurance	.....	27	
28	Motor vehicle expenses	.....	28	
29	Repairs and maintenance	.....	29	
30	Depreciation	.....	30	
31	Bad debts and provision for doubtful debts	.....	31	
32	Loss on disposal of assets	.....	32	
33	Other expenses	.....	33	
34		Total lines 12 to 33 ➤	34	.....
35	Net Profit or Loss per Profit and Loss Account (Transfer to page 4)		35	.....

BALANCE SHEET (See Note 3)

		ASSETS EMPLOYED	
	Non-current assets		
1	Land and building	1	.....
2	Plant and equipment	2	.....
3	Investment properties	3	.....
4	Intangible assets	4	.....
5	Investments in subsidiary companies	5	.....
6	Investments in associated companies	6	.....
7	Other investments	7	.....
8	Non-current receivables	8	.....
9	Deferred tax assets	9	.....
10	Other	10	.....
11	Total non-current assets	11	.....
	Current assets		
12	Inventories	12	.....
13	Construction contract work in progress	13	.....
14	Trade and other receivables	14	.....
15	Marketable securities	15	.....
16	Cash in hand and at bank	16	.....
17	Other	17	.....
18	Total current assets	18	.....
	Current liabilities		
19	Trade and other payables	19	.....
20	Current tax liabilities	20	.....
21	Borrowings	21	.....
22	Provisions for liabilities and charges	22	.....
23	Proposed dividends	23	.....
24	Other	24	.....
25	Total current liabilities	25	.....
26	Net current assets	26	.....
27	TOTAL ➤	27	.....
	FINANCED BY		
	Capital and reserves		
28	Share capital	28	.....
29	Share premium	29	.....
30	Revaluation and other reserves	30	.....
31	Retained earnings / loss c/f	31	.....
32	Others	32	.....
33	Shareholders' interest	33	.....
	Non-current liabilities		
34	Borrowings	34	.....
35	Deferred tax liabilities	35	.....
36	Others	36	.....
37	Total non current liabilities	37	.....
38	TOTAL ➤	38	.....

COMPUTATION OF CHARGEABLE INCOME (See note 4)

1	Net Profit or Loss per Profit and Loss Account (Transfer from page 2)	1	.....
	Add: Unauthorised deductions		
2	Expenditure incurred in the production of exempt income	2	.....
3	Transfers to provisions and reserves	3	.....
4	Expenditure/loss recoverable under a contract of insurance or indemnity	4	.....
5	Income tax or foreign tax	5	.....
6	Penalties and fines	6	.....
7	Depreciation	7	.....
8	Loss on disposal/revaluation of fixed assets including securities	8	.....
9	Other non allowable expenditure or loss	9	.....
10	Add: Income not included in Profit and Loss account	10	.....
11	TOTAL ➤	11	.....
12	Deduct: Dividends receivable from resident companies	12	.....
13	Other exempt income	13	.....
14	Annual allowance	14	.....
15	Investment allowance	15	.....
16	Gain on disposal/revaluation of fixed assets including securities	16	.....
17	Overseas marketing and promotional expenses	17	.....
18	Disabled employee deduction	18	.....
19	Other deductible items	19	.....
20	PROFIT/(LOSS) AS ADJUSTED FOR TAX PURPOSES ➤	20	.....
21	Deduct: Losses brought forward from previous year ➤	21	.....
22	Chargeable Income/Loss carried forward ➤	22	.....
23	Chargeable Income in Mauritian Rupees (Exchange rate - Rs _____) ➤	23	.....

CALCULATION OF TAX (See note 5)

1	Tax - 15 % on chargeable income ➤	1	.....
	TAX CREDIT		
2	Deduct: Special tax credit ➤	2	.....
3	Normal tax payable (A) ➤	3	.....
4	Alternative Minimum Tax (B) ➤	4	.....
5	Tax Payable (higher of A and B) ➤	5	.....
6	Deduct: Foreign tax credit ➤	6	.....
7	BALANCE AFTER TAX CREDIT ➤	7	.....
8	National Residential Property Tax (NRPT)		
8.1		8.1	.....
8.2		8.2	.....
8.3		8.3	.....
8.4	Total NRPT ➤	8.4	.....
9	TOTAL TAX (lines 7 + 8.4) ➤	9	.....
10	Deduct: Tax Deducted at Source (TDS) ➤	10	.....
	Amount of tax deducted (Rs only)		
	TAN of Payer	TAN of Payee	Rent
			Royalties
			Contract
			Services
			Total
	Total		
11	TDS credits for interest	11	.....
12	TAX PAYABLE ➤	12	.....
13	Interest on unpaid tax ➤	13	.....
14	Penalty:		
15	LSR _____ LPT _____	15	.....
16	Total penalty ➤	16	.....
16	TOTAL TAX PAYABLE/(TAX PAID IN EXCESS) ➤	16	.....

NOTES FOR COMPLETION OF ANNUAL RETURN OF INCOME OF TRUST AND UNIT TRUST
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

Every trustee of a trust is deemed to be the agent of the trust. This form must be filled in by the trustee and returned to the Director General, Mauritius Revenue Authority within the time limit, whether or not the trust has a chargeable income.

However, a trust satisfying the conditions specified under section 46(2) of the *Income Tax Act 1995* and which has deposited with the Director General, Mauritius Revenue Authority a declaration of non-residence under section 46(3) of the Act within 3 months after the expiry of the income year is exempt from tax in respect of that income year.

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 trust should be written on the verso of the cheque.

Note 2 Trading and Profit and Loss Account

The trust'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 14 - Annual allowance

Depreciation, being a provision, is not an allowable expenditure. A trust 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%

Item 15 - Investment allowance

Trusts 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**

A trust 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 trust 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 - Chargeable Income in Mauritian Rupees**

All transactions should be expressed in Mauritius 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 Mauritius 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 trusts is 15%.

• **Item 2 - Special tax credit**

Section 161A of the Income Tax Act provides for a special tax credit in respect of investment made by a trust 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 trust's "normal tax payable" is less than 7.5% of its book profit. It is not applicable to:

- a trust 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 trust 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 trust 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 trust 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 trust 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.

Trusts 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 trust 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.