

THE FINANCE (MISCELLANEOUS PROVISIONS) ACT 2017

Act No. 10 of 2017

I assent

BIBI AMEENAH FIRDAUS GURIB-FAKIM

24 July 2017

President of the Republic

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Advertisements Regulation Act amended
3. Bank of Mauritius Act amended
4. Banking Act amended
5. Borrower Protection Act amended
6. Build Operate Transfer Projects Act 2016 amended
7. Building Control Act amended
8. Civil Service Family Protection Scheme Act amended
9. Clinical Trials Act amended
10. Commissions of Inquiry Act amended
11. Companies Act amended
12. Customs Act amended
13. Customs Tariff Act amended
14. Employment Rights Act amended
15. Excise Act amended
16. Fair Trading Act amended

17. Finance and Audit Act amended
18. Finance (Miscellaneous Provisions) Act 2016 amended
19. Financial Reporting Act amended
20. Financial Services Act amended
21. Fisheries and Marine Resources Act amended
22. Freeport Act amended
23. Gambling Regulatory Authority Act amended
24. Human Resource Development Act amended
25. Immigration Act amended
26. Income Tax Act amended
27. Information and Communication Technologies Act amended
28. Insolvency Act amended
29. Investment Promotion Act amended
30. Land (Duties and Taxes) Act amended
31. Local Government Act amended
32. Mauritius Accreditation Service Act amended
33. Mauritius Cane Industry Authority Act amended
34. Mauritius Revenue Authority Act amended
35. Morcellement Act amended
36. National Heritage Fund Act amended
37. National Identity Card Act amended
38. National Pensions Act amended
39. National Savings Fund Act amended
40. Non-Citizens (Employment Restriction) Act amended
41. Non-Citizens (Property Restriction) Act amended
42. Pensions Act amended
43. Public Debt Management Act amended
44. Public Procurement Act amended
45. Registrar-General Act amended
46. Registration Duty Act amended
47. Road Traffic Act amended
48. Sale of Immovable Property Act amended
49. Securities Act amended
50. Stamp Duty Act amended
51. Statistics Act amended
52. Statutory Bodies (Accounts and Audit) Act amended
53. Statutory Bodies Pension Funds Act amended
54. Sugar Industry Efficiency Act amended

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55. Sugar Industry Efficiency (Amendment) Act 2016 amended
 56. Sugar Insurance Fund Act amended
 57. Value Added Tax Act amended
 58. Validation of resolution
 59. Repeal
 60. Transitional provisions
 61. Commencement
- FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE
FIFTH SCHEDULE
SIXTH SCHEDULE
SEVENTH SCHEDULE
EIGHTH SCHEDULE
NINTH SCHEDULE
TENTH SCHEDULE
ELEVENTH SCHEDULE

An Act

To provide for the implementation of measures announced in the Budget Speech 2017-2018 and for matters connected, consequential or incidental thereto

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Finance (Miscellaneous Provisions) Act 2017.

2. Advertisements Regulation Act amended

The Advertisements Regulation Act is amended –

- (a) in section 2, in the definition of “fee” or “advertising structure fee”, in paragraph (b), by deleting the words “and 7” and replacing them by the words “, 7 and 7A”;

- (b) any financial institution, legal adviser and their agents,

carrying on the proceedings, without prejudice to the right of a party aggrieved by the collusion, fraud, or negligence, as the case may be, to sue any person responsible for damages to the inscribed or judgment creditor.

49. Securities Act amended

The Securities Act is amended, in section 70(1), by adding the following new paragraph, the full stop at the end of paragraph (i) being deleted and replaced by a semicolon –

- (j) an offer or issue of securities by a corporation holding a Category 1 Global Business Licence, the securities of which are also listed on a securities exchange in another jurisdiction.

50. Stamp Duty Act amended

The Stamp Duty Act is amended, in the Schedule, by adding the following new items –

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| 21. | Lease or sublease agreement, by a small planter, of land not exceeding 10 hectares, for agricultural use | 150 |
| 22. | Copy of lease document referred to in item 21 for transcription | NIL |

51. Statistics Act amended

The Statistics Act is amended, in section 22 –

- (a) in subsection (1) –
- (i) by repealing paragraph (c), the word “and” being added at the end of paragraph (b);

- (ii) by inserting, after the words “in the Second Schedule”, the words “or, where the person is abroad, in such form and manner as the Director may approve”;
- (b) in subsection (2), by inserting, after the words “under section 23(3)(b)”, the words “, every member of a committee set up under section 24(2)”;
- (c) by adding the following new subsection –
 - (6) In this section –
“abroad” includes Rodrigues, Agalega and any other island comprised in the State of Mauritius.

52. **Statutory Bodies (Accounts and Audit) Act amended**

The Statutory Bodies (Accounts and Audit) Act is amended –

- (a) in section 4A, by adding the following new subsection, the existing provision being numbered as subsection (1) –
 - (2) Every statutory body shall, not later than 1 April in every year, in respect of the next financial year, mutually agree with the Ministry on, and have in place, a performance agreement which shall include key performance indicators on the targeted output of the statutory body.
- (b) in section 4B, by adding the following new subsection, the existing provision being numbered as subsection (1) –
 - (2) Every statutory body shall, in the preparation of the estimates referred to in subsection (1), ensure that it does not enter into financial obligations in excess of its present and future financial capacity.
- (c) in section 7(2), by deleting the words “30 April” and replacing them by the words “4 months”;
- (d) in section 7A, by adding the following new subsection, the existing provision being numbered as subsection (1) –
 - (2) The supervising officer of the Ministry shall monitor any disciplinary action taken under subsection (1).