

Consolidated version

Investment Promotion (Real Estate Development Scheme) Regulations 2007

Amended by

- (1) Investment Promotion (Real Estate Development Scheme) (Amendment) Regulations 2009 (GN No. 11 of 2009)*
- (2) Investment Promotion (Real Estate Development Scheme) (Amendment No. 1) Regulations 2009*
- (3) Investment Promotion (Real Estate Development Scheme) (Amendment No. 2) Regulations 2009*
- (4) Investment Promotion (Real Estate Development Scheme) (Amendment) Regulations 2010.*
- (5) Investment Promotion (Real Estate Development Scheme) (Amendment) Regulations 2012*
- (6) Investment Promotion ((Real Estate Development Scheme) (Amendment No.2) Regulations 2012*
- (7) Investment Promotion ((Real Estate Development Scheme) (Amendment No.3) Regulations 2012*

January 2013

Board of Investment

Note: - The internet version of these regulations is for information only. The authoritative version is the one published in the Government Gazette of Mauritius.

THE INVESTMENT PROMOTION ACT
Regulations made by the Minister under section 28 of the
Investment Promotion Act

1. Short title

These regulations may be cited as the Investment Promotion (Real Estate Development Scheme) Regulations 2007.

2. Interpretation

In these regulations –

“Act” means the Investment Promotion Act;

“Building and Land Use Permit” has the same meaning as in the Local Government Act 2003;

“common law partner” means a non-citizen who –

(a) lives with a purchaser as spouse (*en concubinage*); and

(b) holds, at the time of application pursuant to regulation 21, a certificat de concubinage, or other document, attesting such relationship with the purchaser, duly certified by a law practitioner or civil status authority from the country of residence of the purchaser;

“EIA licence” has the same meaning as in the Environment Protection Act 2002;

“ERCP Committee” means the ERCP Committee under the Economic Restructuring and Competitiveness Package, referred to in the Ministry’s document entitled ‘Facing The Euro Zone Crisis and Restructuring for Long Term Resilience’ and dated August 2010;

“hotel” has the same meaning as in the Tourism Authority Act;

“hotel development area” means the physical area of land, whether freehold or leasehold, of an extent of not less than one hectare covered by a project under the IHS;

“hotel in operation” means a hotel in operation as at August 2010;

“hotel owner” means the owner of a hotel in operation;

“IHS” means the Invest Hotel Scheme;

“IHS Company” –

- (a) a company whose IHS project has been approved by the Board or a hotel owner whose restructuring plan has been approved by the ERCP Committee, as the case may be; and
 - (b) includes a company holding an IHS certificate;
- [amended by REDS (No. 2)09]

“IHS project” means a project under the IHS relating to a hotel to be constructed or to a hotel in operation, as the case may be;

“Integrated Resort Scheme” means the Integrated Resort Scheme referred to in Part I;

“IRS” means the Integrated Resort Scheme;

“IRS Company” –

- (a) means a company whose IRS project has been approved by the Board; and
- (b) includes a company holding an IRS certificate;

“non-citizen” –

- (a) means any citizen other than a citizen of Mauritius; but
- (b) does not include a prohibited immigrant as defined in the Immigration Act;

“Outline Planning Permission” has the same meaning as in section 6A of the Town and Country Planning Act;

“purchaser” means any person who acquires a residential property under IRS or RES;

“qualified trustee” has the same meaning as in the Trusts Act 2001;

“Real Estate Scheme” means the Real Estate Scheme referred to in Part II;

“RES” means the Real Estate Scheme;

“RES Company” –

- (a) means a company whose RES project has been approved by the Board; and
- (b) includes a company holding a RES certificate;

“residential property”, in relation to an IRS or a RES, means any luxury villa, apartment, penthouse or other similar properties used, or available for use, as residence;

“serviced land” means land on which all infrastructural works, including roads, walls, drains, landscaping and utility services, have been completed;

“trust” has the same meaning as in the Trusts Act 2001;

“unit” means a room, an apartment, a villa or a suite forming part of a hotel;

“unit owner” means any person who acquires a unit under the IHS.

3. Real Estate Development Scheme

There shall be set up for the purposes of these regulations a scheme to be known as the Real Estate Development Scheme which shall comprise of –

- (a) the Integrated Resort Scheme;
- (b) the Real Estate Scheme; and
- (c) the Invest Hotel Scheme.

[amended by REDS (No. 2)09]

PART I – INTEGRATED RESORT SCHEME

4. Interpretation

In this Part –

“Contribution” means the IRS Social Contribution;

“integrated resort development area” means the physical area of land of an extent exceeding 10 hectares covered by a project under the Integrated Resort Scheme;

“IRS Social Contribution” means the Contribution referred to in regulation 6;

“National Empowerment Foundation” means the National Empowerment Foundation incorporated under the Companies Act;

“NEF” means the National Empowerment Foundation;

5. IRS Project

Every project under an IRS shall –

- (a) consist of an integrated resort development area with clearly defined boundaries within which the development of the IRS shall be carried out;
- (b) provide within the integrated resort development area for –
 - (i) the construction of residential properties on the condition that each residential property, other than an apartment, is constructed on an extent of land not exceeding 0.5276 hectare (1.25 arpent);
 - (ii) commercial facilities;
 - (iii) leisure amenities, including a golf course, marina, nautical or other sporting facilities or wellness centre;
 - (iv) maintenance and security services;
- (c) make provision for an IRS Social Contribution in accordance with regulation 6.

6. IRS Social Contribution

- (1) For the purposes of regulation 5(c), the IRS Social Contribution shall be determined by reference to the number of residential properties or plots of serviced land at the rate of 200,000 rupees per residential property or per plot, as the case may be.

[amended by REDS (No. 2)09]

- (2) Every IRS Company shall, in respect of the contribution referred to in paragraph (1) and after deducting therefrom any value of land referred to in regulation 7 –

- (a) set up an IRS Social Contribution Fund to implement and approved programme or to finance an approved NGO; or
- (b) remit to the NEF, within one month after the end of every quarter, its contribution equivalent to the number of residential properties or plots of serviced land sold during that quarter, after taking into account the contribution, if any, under paragraph (a).

[amended by REDS (No. 2)09]

- (2A) For the purposes of paragraph (2)(a), a programme or an NGO shall be deemed to be an approved programme or an approved NGO, as the case may be, where it falls within the guidelines issued under section 50L of the Income Tax Act.

- (2B) The NEF shall –

- (a) determine the use of the contribution remitted under paragraph (2)(b);
- (b) be guided by the assessments submitted by the IRS Company under regulation 8(3)(b); and
- (c) implement or cause to be implemented the approved programmes referred to in paragraph (2A).

[amended by REDS (No. 2)09]

- (3) The costs of any infrastructure works required outside the integrated resort development area to service the IRS project and any compensation payable in the implementation of the IRS project shall not form part of the Contribution and shall be borne by the IRS Company.
- (4) Where a holder of an IRS certificate issued on or after 14 October 2005 is required as a condition of the certificate to make a contribution, it shall comply with this regulation and regulation 7.

7. Contribution in the form of land

- (1) An IRS company may offer, as part of its Contribution, land, the location and extent of which is approved by the Permanent Secretary.
- (2) The IRS company shall submit to the Board of Investment a survey report in respect of the land offered as Contribution.
- (3) The land offered under paragraph (1) shall be used for implementation of approved programmes referred to in regulation 6.
[Amended by REDS (no. 2) 2009]
- (4) The Permanent Secretary shall, before deciding to grant approval under paragraph (1), consult the Steering Committee, the Board of Investment and the relevant local authority.
- (5) The value of the land shall, on the recommendation of the Chief Government Valuer, be determined by the Permanent Secretary and that value shall be taken into account in the computation of the Contribution.
- (6) The land shall, upon approval under paragraph (1), be transferred to Government at a nominal price of one rupee per hectare.
- (7) For the purposes of this regulation, “Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the subject of lands.

8. Application for an IRS certificate

- (1) No person shall carry out a project under the IRS unless-
 - (a) the person is a company incorporated under the Companies Act 2001; and
 - (b) the project has been approved by the Board; or
 - (c) the person holds an IRS certificate.
- (2) The company referred to in paragraph (1) shall limit its purpose or object exclusively to the promotion, development and implementation of one or more projects under the IRS.
- (3) An application for an IRS certificate shall be made in writing in such form and manner as the Board of Investment may approve and shall be accompanied by a -
 - (a) a full and detailed account of the particulars of the IRS project as provided under regulation 5;
 - (b) a social impact assessment to identify the impact of the proposed IRS project on the local community and a written undertaking by the promoters indicating the benefits that shall accrue to the local community and to small entrepreneurs generally, in terms of employment and business opportunities;
 - (c) -
 - (d) an implementation plan relating to the projects with full details including a timeframe for their completion; and
 - (e) such other particulars or information as may be required in the form of application.

[Amended by REDS (no. 2) 2009]

9. Approval of project under IRS

- (1) On receipt of an application under regulation 8, the Board shall examine the IRS project and-
 - (a) upon being satisfied that the project meets the requirements of these regulations, shall approve the project on such terms and conditions as it may determine; or
 - (b) may request the applicant to make such modifications as may be necessary for the purposes of the project.
- (2) Where the project is approved under paragraph (1)(a), the Managing Director shall issue a letter of approval to the applicant.

10. Issue of IRS certificate

- (1) Where the Board has approved an IRS project under regulation 9(1)(a), an IRS certificate shall be issued pursuant to section 18 of the Act subject to –

- (a) the IRS company having obtained all the necessary permits and clearances including the EIA licence and Building and Land Use Permit;
- (b) a bank guarantee of 100,000 rupees per residential property being furnished to the Board of Investment;
- (c) -
- (d) the transfer of the land to Government being made at the time of issue of the IRS certificate.

[Amended by REDS (no. 2) 2009]

11. Implementation of IRS project

- (1) Every IRS Company shall, at all times, be responsible for the execution of the whole IRS project and shall be answerable to the Board of Investment for its proper implementation in accordance with the IRS certificate.
- (2) The IRS Company shall –
 - (a) not make any alteration to the components of the IRS project without the prior approval of the Board;
 - (b) fulfil its written undertaking referred to in regulation 8(3)(b);
 - (c) -
 - (d) submit to the Managing Director, within one month after the end of every quarter, starting from the first quarter immediately following the date of issue of the IRS certificate, a progress report on –
 - (i) the implementation of the IRS project;
 - (ii) -
 - (iii) the fulfilment of the written undertaking referred to in regulation 8(3)(b).
- (3) Where an IRS Company fails to start construction works within a period of 6 months of the date of issue of its Building and Land Use Permit under the Building Act, the Board of Investment shall realise the bank guarantee referred to in regulation 10(1)(b).

[Amended by REDS (no. 2) 2009]

PART II – REAL ESTATE SCHEME

12. Interpretation

In this Part –

“real estate development area” means the physical area of land of an extent of at least 0.4220 hectare (one arpent) but not exceeding 10 hectares covered by a project under the Real Estate Scheme.

13. RES Project

Every project under a RES shall –

- (a) consist of a real estate development area with clearly defined boundaries within which the development of the RES shall be carried out;
- (b) provide within the real estate development area for -
 - (i) the construction of residential properties on the condition that each residential property, other than an apartment, is constructed on an extent of land not exceeding 0.5276 hectare (1.25 arpent);
 - (ii) commercial facilities and leisure amenities; and
 - (iii) maintenance and security services.

14. Eligibility under RES

- (1) A person shall be eligible to implement a project under the RES where he owns land of an extent not exceeding 10 hectares in the aggregate.

[Amended by REDS 2009]

- (2) The real estate development area may comprise of more than one plot of land belonging to one or more owners provided that -
 - (a) the plots are contiguous; and
 - (b) the total extent of all the plots does not exceed 10 hectares.

15. Application for a project under RES

An application to implement a project under RES shall be made in writing in such form and manner as the Board of Investment may approve and shall be accompanied by –

- (a) a written declaration by each landowner giving the total extent of the land owned by him;
- (b) a copy of the title deed in respect of each plot of land;
- (c) a full and detailed account of the particulars of the project as provided under regulation 13;
- (d) an implementation plan relating to the project with full details including a timeframe for its completion; and
- (e) such other particulars or information as may be required in the form of application.

16. Approval of project under RES

- (1) On receipt of an application under regulation 15, the Board shall examine the RES project and –

- (a) upon being satisfied that the project meets the requirements of these regulations, shall approve the project on such terms and conditions as it may determine; or
 - (b) may request the applicant to make such modifications as may be necessary for the purposes of the project.
- (2) Where the project is approved under paragraph (1)(a), the Managing Director shall issue a letter of approval to the applicant.

17. Issue of RES certificate

- (1) No RES certificate shall be issued to any person unless –
- (a) a company is incorporated under the Companies Act 2001 by the owner or owners of the land; and
 - (b) each landowner gives a written undertaking to the Managing Director that he will retain shares in the RES Company equivalent to at least the value of the land brought in the RES Company until at least one year after completion of the project.
- (2) The company referred to in paragraph (1)(a) shall limit its purpose or object exclusively to the promotion, development and implementation of one or more projects under the RES.
- (3) Where the Board has approved an RES project under regulation 16(1)(a), a RES certificate shall be issued pursuant to section 18 of the Act subject to –
- (a) the RES company having obtained all the necessary permits and clearances including the EIA licence where required and the Building and Land Use Permit; and
 - (b) a bank guarantee of 25,000 rupees per residential property being furnished to the Board of Investment.

18. Implementation of RES project

- (1) Every RES Company shall, at all times, be responsible for the execution of the whole RES project, and shall be answerable to the Board of Investment for its proper implementation in accordance with the RES certificate.
- (2) The RES Company shall –
- (a) implement the RES project as approved by the Board;
 - (b) not make any alteration to the components of the RES project without the prior approval of the Board; and
 - (c) submit to the Managing Director –
 - (i) within one month after the end of every quarter, starting from the first quarter immediately following the date of issue of the RES certificate, a progress report on the implementation of the RES project; and

- (ii) a written notification at least 30 days prior to any proposed change in its shareholding.
- (3) Where a RES Company fails to start construction works within a period of 6 months of the date of issue of its Building and Land Use Permit, the Board of Investment shall realise the bank guarantee referred to in regulation 17.

PART IIA – INVEST HOTEL SCHEME

[amended by REDS (No. 2)09]

Sub-Part A – IHS Project relating to Hotel to be constructed

18A. Application of Sub-Part A

This Sub-part shall apply to an IHS project relating to a hotel to be constructed.

18B. IHS project relating to hotel to be constructed

- (1) Every IHS project relating to a hotel to be constructed shall–
 - (a) consist of a hotel development area with clearly defined boundaries within which the development of the IHS shall be carried out;
 - (b) provide within the hotel development area for the construction of a hotel;
 - (c) provide that the construction of the hotel shall not be governed by the provisions of a *société d'attribution*;
 - (d) provide that an IHS Company may, subject to paragraphs (2) and (3) and regulation 19, sell or transfer a unit or any other part of the hotel on the condition that –
 - (i) the contract is governed by the provisions of a *règlement de copropriété*; and
 - (ii) the IHS Company enters into a lease agreement with every unit owner to manage and operate the unit and that under the agreement, the unit may be used and occupied by the unit owner or on his behalf for a period not exceeding 45 days in the aggregate in any period of 12 months.

(2) The acquisition of a unit or any other part of the hotel may be made either on the basis of a plan, during the construction phase or when the construction is completed.

(3) Where the acquisition of a unit or any other part of the hotel is made on the basis of a plan or during the construction phase, the contract shall be governed by the provisions of a *vente à terme* or *vente en l'état futur d'achèvement*, as the case may be, in accordance with the provisions of *Articles* 1601-1 to 1601-45 of the Code Civil Mauricien.

18C. Application for a project under IHS

(1) No person shall make an application for an IHS certificate in relation to a project unless –

- (a) the person is a company incorporated under the Companies Act 2001;
- (b) the person holds –
 - (i) a letter of intent from the Tourism Authority; and
 - (ii) a letter of reservation, a letter of intent or a lease agreement in respect of the hotel development area from the Ministry responsible for the subject of lands; or
 - (iii) a title deed in respect of the hotel development area.

(2) An application for an IHS certificate shall be made in writing in such form and manner as the Board of Investment may determine and shall be accompanied by –

- (a) a full and detailed account of the particulars of the IHS project as provided under regulation 18 B; and
- (b) a copy of the letter of reservation, letter of intent or lease agreement referred to in paragraph (1)(b)(ii) or a copy of the title deed referred to in paragraph (1)(b)(iii);
- (c) an implementation plan relating to the project with full details including a timeframe for its completion;
- (d) a specimen copy of the deed of sale or transfer of a unit or any other part of the hotel;

- (e) a specimen copy of the lease agreement referred to regulation 18B(1)(d)(ii); and
 - (f) any such other particulars or information as may be required in the application form.
- (3) The company referred to in paragraph (1)(a) shall limit its purpose or object exclusively to the promotion, development and implementation of the project under the IHS.

18D. Approval of project under IHS

- (1) On receipt of an application under regulation 18C, the Board shall examine the IHS project and –
- (a) upon being satisfied that the project meets the requirements of these regulations, shall approve the project on such terms and as it may determine; or
 - (b) may request the applicant to make such modifications as may be necessary for the purposes of the project.
- (2) Where the project is approved under paragraph (1)(a), the Managing Director shall issue a letter of approval to the applicant.

18E. Issue of IHS certificate

Where the Board has approved an IHS project under regulation 18D(1)(a), an IHS certificate shall be issued under section 18 of the Act subject to –

- (a) the IHS company obtaining all the necessary permits and clearances including the Outline Planning Permission, if any, and the Building and Land Use Permit;
- (b) a bank guarantee of 25,000 rupees per unit being furnished to the Board of Investment.

18F. Implementation of IHS project

- (1) Every IHS Company shall, at all times, be responsible for the execution of the whole IHS project and shall be answerable to the Board of Investment for its proper implementation in accordance with the IHS certificate.
- (2) The IHS Company shall –

- (a) not make any alteration to the components of the IHS project without the prior approval of the Board;
 - (b) submit to the Managing Director, within one month after the end of every quarter, starting from the first quarter immediately following the date of issue of the IHS certificate, a progress report on the implementation of the IHS project.
- (3) Where an IHS Company fails to start construction works within a period of 6 months of the date of issue of its Building and Land Use Permit, the Board of Investment may realise the bank guarantee referred to in regulation 18E(b).

Sub-Part B – IHS Project relating to Hotel in Operation

18G. Application of Sub-Part B

This Sub-part shall apply to an IHS project relating to a hotel in operation, in respect of which there is a restructuring plan.

18H. IHS project relating to hotel in operation

Every IHS project relating to a hotel in operation shall –

- (a) consist of a restructuring plan;
- (b) provide that a unit may be sold or transferred, on the condition that –
 - (i) the restructuring plan is approved by the ERCP Committee on or before 31 December 2011;
 - (ii) the number of units to be sold or transferred shall not exceed such percentage of the total number of units in the hotel, as may be approved by the ERCP Committee;
 - (iii) the sale or transfer shall be governed by the provisions of a *règlement de copropriété* and not by the provisions of a *société d'attribution*;
 - (iv) the hotel owner enters into a lease agreement with every unit owner to manage and operate the unit and that, under the agreement, the unit may be used and occupied by the unit owner or on his behalf for a

period not exceeding 45 days in the aggregate in any period of 12 months; and

- (v) the proceeds of the sale or transfer shall be invested in the hotel in such manner and within such time as may be approved by the ERCP Committee.

18J. Approval of restructuring plan by ERCP Committee

(1) A hotel owner who wishes to engage in an IHS project shall apply to the ERCP Committee for the approval of his restructuring plan.

(2) The ERCP Committee may approve or reject the restructuring plan.

(3) Where the hotel owner has obtained the approval of the ERCP Committee under paragraph (2), he shall comply with the conditions specified in regulation 18H and such other terms and conditions as the ERCP Committee may determine.

18K. Application for IHS certificate

Where a hotel owner has obtained the approval of the ERCP Committee under regulation 18J, he shall apply to the Board of Investment for an IHS certificate in such form and manner as the Board of Investment may determine.

18L. Issue of IHS certificate

On receipt of an application under regulation 18K, the Board of Investment may issue an IHS certificate to the hotel owner on such terms and conditions as the Board of Investment may determine.

18M. Implementation of IHS project relating to hotel in operation

The hotel owner shall submit to the ERCP Committee, within one month after the end of every quarter, starting from the first quarter immediately following the date of approval of the ERCP Committee under regulation 18J, a progress report on the implementation of the project.

PART III – RESIDENTIAL PROPERTY OR UNIT OR OTHER PART OF A HOTEL AND RESIDENCE PERMIT

19. Persons eligible to acquire residential property or unit or any other part of a hotel

No person shall acquire a residential property under the IRS or RES or a unit or any other part of a hotel under the IHS unless the person is –

- (a) a non-citizen;
- (b) a citizen of Mauritius;
- (c) a company registered as a foreign company under the Companies Act 2001;
- (d) a company incorporated under the Companies Act 2001;
- (e) a *société*, where its deed of formation is deposited with the Registrar of Companies; or
- (f) a trust, where the trusteeship services are provided by a qualified trustee.

[amended by REDS (No. 2)09]

20. Acquisition of residential property or unit or any other part of a hotel

- (1) The amount payable for the acquisition of a residential property under the IRS or a standalone villa under an IHS project relating to a hotel to be constructed, shall not be less than 500,000 US dollars.

[amended by REDS (No. 2)09]

- (2) Where the acquisition of a residential property under the IRS or RES or a unit or any other part of a hotel under the IHS is made by a non-citizen, the amount payable shall be in US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency.

[Amended by REDS 2009 and
2012]

- (3) Where the amount payable is made in any freely convertible foreign currency other than US dollars or in Mauritius currency, the exchange rate to be used to calculate the US dollar equivalent to the amount specified in paragraph (1) shall be the exchange rate in force on the date of the application.

[Amended by REDS 2009 and
2012]

- (4) Where the amount payable is effected pursuant to paragraph (2), the amount for the acquisition of the property and the registration duty payable thereon under the Registration Duty Act shall be financed by the purchaser –

- (a) from funds outside Mauritius and transferred to Mauritius through any reputable bank listed in the Banking Almanach recognised by the Bank of Mauritius; or

- (b) from loans contracted in Mauritius currency with a bank in Mauritius provided that –

- (i) the first 500, 000 US dollars is paid to the IRS Company or RES Company or IHS Company in US dollars or its equivalent in any other freely convertible foreign currency; and

- (ii) the repayment of the loan is effected in any freely convertible foreign currency.

[amended by REDS (No. 2)09]

- (5) The acquisition of a residential property under IRS or RES may be made either on the basis of a plan, during the construction phase or when the construction is completed.
- (6) Where the acquisition of a residential property is made on the basis of a plan or during the construction phase, the contract shall be governed by the provisions of a *vente à terme* or *vente en l'état futur d'achèvement*, as the case may be, in accordance with the provisions of *Articles* 1601-1 to 1601-45 of the Code Civil Mauricien.

21. Application to acquire residential property or unit

- (1) Any person referred to in regulation 19 who intends to acquire a residential property under IRS or RES or a unit or any other part of a hotel under IHS shall, through the IRS Company, RES Company or IHS Company, as the case may be, make an application to the Managing Director in a form approved by the Managing Director.
- (2) Where an application is made under paragraph (1), the IRS Company, the RES Company or the IHS Company, as the case may be, shall, at the time of the application, pay to the Board of Investment, a non-refundable processing fee of 10,000 rupees per residential property or unit or any other part of a hotel.

[amended by REDS (No. 2)09]

22. Residence permit

(1) Any non-citizen who has acquired a residential property under the IRS or RES where the value of the residential property is not less than 500,000 US dollars or its equivalent in any other freely convertible foreign currency may, subject to the provisions of the Immigration Act, apply, through the Managing Director, for the status of resident in respect of –

- (a) himself;
- (b) his spouse or common law partner; or
- (c) the child, stepchild or lawfully adopted child, under the age of 24, of a person to whom paragraph (a) or (b) applies..

[Amended by REDS 2012]

(2) Where a non-citizen who has acquired the status of resident following an application pursuant to paragraph (1) no longer satisfies the requirements of the IRS or RES, the Managing Director shall, for the purposes of section 6(1A) of the Immigration Act, forthwith notify the Ministry responsible for the subject of immigration accordingly.

PART IV – RENTAL AND SALE OF PROPERTY

23. Rental of residential property

No owner of a residential property under IRS or RES shall offer the property for letting otherwise than through –

- (a) the IRS Company or RES Company; or
- (b) a provider of property management services, designated by the IRS Company or RES Company, as the case may be.

24. Resale of residential property or unit or any other part of a hotel

(1) Where the owner of a residential property under IRS or RES or unit or any other part of a hotel intends to sell or transfer the property, he shall, within 30 days prior to the sale, give notice in writing thereof to the Managing Director.

[amended by REDS (No. 2)09]

- (2) No sale or transfer shall be made pursuant to paragraph (1) unless -
 - (a) the sale or transfer is made to a person referred to in regulation 19;
 - (b) the acquisition of the residential property is in conformity with the relevant provisions of these regulations except that –
 - (i) the application for the acquisition shall be made to the Managing Director without having to forward it through the IRS Company or RES Company;
 - (ii) the minimum amount specified in regulation 20(1) shall not apply; and
 - (iii) a non-refundable processing fee of 10,000 rupees is paid by the applicant to the Board of Investment.

(3) No sale or transfer of a unit or any other part of a hotel under the IHS shall be made unless the sale or transfer is made in conformity with the relevant provisions of these regulations

25. Sale of property other than residential property

(1) Where an IRS Company or a RES Company intends to sell any part or the whole of an immovable property other than a residential property, it shall, subject to paragraph (2), within 30 days prior to the sale, give notice in writing thereof to the Managing Director.

(2) An IRS Company may sell serviced land not exceeding 25 percent of its land area planned for the construction of residential properties on condition that –

- (a) there is no material deviation in the land area allocated for the construction of residential properties as approved by the Board;

- (b) the commercial facilities and leisure amenities referred to in regulation 5(b)(ii) and (iii) have been completed;
- (c) prior to the sale of any plot of the serviced land, at least 25 per cent of the residential properties under the IRS have been sold in accordance with regulation 20(5) and (6);
- (d) the infrastructural works including roads, walls, drains, landscaping and utility services have been completed in respect of the area of the serviced land;
- (e) each plot of serviced land for sale does not exceed 0.5276 hectare (1.25 arpent);
- (f) the amount payable for the acquisition of a plot of the serviced land is not less than 350,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency; and
- (g) the purchaser constructs a residential property on the land within 5 years from the date of its acquisition in accordance with the architectural guidelines issued by the IRS company.

[amended by REDS (No. 2)09 and 2012]

(3) Where a person acquires a property pursuant to paragraph (1), he shall not use the property for any purpose other than the one approved under the project, unless he obtains written authorisation from the Board of Investment.

(4) No non-citizen who acquires a plot of serviced land shall be eligible to apply for a residence permit in accordance with regulation 22, unless the construction of a residential property has been completed on that plot.

[amended by REDS (No. 2)09]

(5) No plot of serviced land acquired pursuant to paragraph (2) shall be sold or transferred unless the construction of the residential property is completed on the plot.

[amended by REDS (No. 2)09]

(6) For the purposes of this regulation, “serviced land” means land with all the infrastructural works including roads, walls, drains, landscaping and utility services.

[amended by REDS (No. 2)09]

PART V – MISCELLANEOUS

26. Mode of payment of duty and taxes

(1) The amount of land transfer tax or registration duty payable shall, when paid in any freely convertible foreign currency, be credited to the account of the Accountant-General with the Bank of Mauritius.

[Amended by REDS 2009]

(2) Where payment is effected in any hard convertible foreign currency, the exchange rate to be used to calculate the US dollar equivalent to the amount of land transfer tax or registration duty payable shall be the selling exchange rate in force at the time of signature of the title deed.

[Amended by REDS 2009]

(3) Where payment is effected in accordance with paragraph (1), the notary shall, at the time of registration of the deed of transfer with the Registrar-General, deposit a certificate from the bank certifying the particulars of the payment of the land transfer tax and the registration duty.

27. Transitional provisions

(1) For the purposes of regulation 6(4), where the implementation of the social needs has been completed or has started but not completed before the coming into operation of these regulations, the IRS Company shall, not later than 3 months immediately following the coming into operation of these regulations, submit to the Managing Director the nature of the social needs completed or started but not yet completed and the expenditure incurred thereon.

(2) Where the IRS Company has not fully complied with any of the provisions of regulations 6 and 7, it shall comply with those provisions within such period as may be determined by the Board.

28. Revocation and savings

(1) The Investment Promotion (Integrated Resort Scheme) Regulations 2002 are revoked.

(2) Notwithstanding paragraph (1), any application made or approved, letter of intent or IRS Certificate issued or any act or thing done under the repealed regulations shall, on the coming into operation of these regulations, be deemed to have been made or approved, issued or done under these regulations.

Made by the Minister on 29th November 2007.