



Definition of “non-Seychellois” under the Immovable Property Tax Act 2019

The Immovable Property Tax Act 2019, stipulates that “non-Seychellois” has the same definition as “non-Seychellois in the Immovable Property (Transfer Restriction) Act, 1963. For ease, of reference, please refer to definition of ‘Non-Seychellois as stated under the Transfer Restriction Act:

"non Seychellois" means -

- (a) an individual who is not a citizen of Seychelles;
- (b) a foreign State or the Government of a foreign State;
- (c) a body corporate incorporated or established under the laws of a country or jurisdiction other than Seychelles;
- (d) a body of persons unincorporated of which any of its members -
 - (i) is not a citizen of Seychelles; or
 - (ii) is a State or Government or body or company referred to in paragraph (b), paragraph (c), paragraph (e), paragraph (f), paragraph (g) or paragraph (h) or paragraph (i);
- (e) in relation to a company limited by shares incorporated under the laws of Seychelles, a company of which -
 - (i) any of its directors is not a citizen of Seychelles, not being a company under the absolute control of the Government;
 - (ii) any of its shares, not being a share which entitles its holder to a right to participate in any distribution by way of dividends only, is held by or under the control, whether actual or ultimate, of a person or State or Government or body or company referred to in paragraph (a), paragraph (b), paragraph (c), paragraph (d), subparagraph (i) or subparagraph (iii) of this paragraph, paragraph (f), paragraph (g), paragraph (h) or paragraph (i);
 - (iii) the aggregate amount of the nominal value of the company's debentures, charges or other indebtedness held by a person or State or Government or body or company, other than a financial institution, referred to in paragraph (a) paragraph (b), paragraph (c), paragraph (d), subparagraph (i) or subparagraph (ii) of this paragraph, paragraph (f), paragraph (g), paragraph (h) or paragraph (i) exceeds an amount corresponding to 5% of the issued share capital of the company;
- (f) **in relation to an unlimited company** incorporated under the laws of Seychelles, a company of which -

(i) any of its members is a person or State or Government or body or company referred to in paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e), subparagraph (ii) of this paragraph, paragraph (g), paragraph (h) or paragraph (i);

(ii) 5% or more of the aggregate nominal value of the company's debentures, charges or other indebtedness is held by a person or State or Government or body or company, other than a financial institution, referred to in paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e) of this subparagraph (i) of this paragraph, paragraph (g), paragraph (h) or paragraph (i);

(g) a corporation established under the laws of Seychelles by a specific written law which is not under the absolute control of the Government and any shares of which is ultimate, of a person or State or Government or body or company referred to in paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e) paragraph (f) paragraph (h) or paragraph (i);

(h) in relation to a **trust** -

(i) a trust established under the law of a country or jurisdiction other than Seychelles;

(ii) a trust established under the International Trusts Act;

(iii) a trust established under the laws of Seychelles; other than the International Trust Act, and any of the beneficiaries of which is a person or State or Government or body or company referred to in paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e), paragraph (f), paragraph (g), subparagraph (i) of this paragraph or paragraph (i);

(i) an International Business Company incorporated under the International Business Companies Act.”