

**S.I. 15 of 2012**

**BUSINESS TAX ACT**

*(Act 28 of 2009)*

**Business Tax (Double Taxation Agreement) (No. 2)  
Regulations, 2012**

In exercise of the powers conferred by section 79 of the Business Tax Act, the Minister of Finance, Trade and Investment, hereby makes the following Regulations—

1. These Regulations may be cited as the Business Tax (Double Taxation Agreement) (No.2) Regulations, 2012.

Citation

2. It is hereby declared that the Government of the Republic of Mauritius and the Government of the Republic of Seychelles have entered into an Agreement for the purpose of avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and the Agreement shall have effect in relation to the tax imposed under the Act.

Declaration  
and effect of  
Agreement

**SCHEDULE**

**PROTOCOL BETWEEN THE GOVERNMENT OF  
THE REPUBLIC OF MAURITIUS AND THE  
GOVERNMENT OF THE REPUBLIC OF  
SEYCHELLES TO AMEND THE AGREEMENT FOR  
THE AVOIDANCE OF DOUBLE TAXATION AND  
THE PREVENTION OF FISCAL EVASION WITH  
RESPECT TO TAXES ON INCOME SIGNED AT  
PORT LOUIS ON 11 MARCH 2005**

The Government of the Republic of Mauritius and the Government of the Republic of Seychelles;

Desiring to conclude a Protocol to amend the Agreement between the Contracting Governments for the Avoidance of

Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Port Louis on 11 March 2005 (hereinafter referred to as "the Agreement");

Have agreed as follows:

#### Article 1

Article 26 of the Agreement shall be deleted and replaced by the following:

#### "Article 26

##### Exchange of Information

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States or of their political subdivisions, in so far as the taxation thereunder is not contrary to this Agreement. The exchange of information is not restricted by Articles 1 and 2.
2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:
  - (a) to carry out administrative measures at variance with the law and administrative practice of that or of the other Contracting State;
  - (b) to supply information which is not obtainable under the law or in the normal course of the administration of that or of the other Contracting State;
  - (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (*ordre public*).
4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.
5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person."

**Article 2**

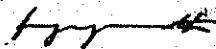
The Governments of the Contracting States shall notify one another, through diplomatic channels, of the completion of the procedures required by their laws for the bringing into force of this Protocol. This Protocol shall enter into force on the date of the later of these notifications and shall have effect as from that date.

**Article 3**

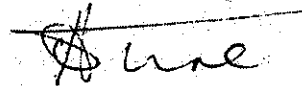
This Protocol shall remain in force as long as the Agreement remains in force.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol.

Done in duplicate at Victoria on the 3rd day of March in the English language.



FOR THE GOVERNMENT OF  
REPUBLIC OF MAURITIUS



FOR THE GOVERNMENT OF  
THE REPUBLIC OF SEYCHELLES

**MADE this 4th day of April, 2012.**

**PIERRE LAPORTE  
MINISTER OF FINANCE, TRADE  
AND INVESTMENT**

---