

Economic Development Board (Property Development Scheme) Regulations 2015

GN 129/2015

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THE INVESTMENT PROMOTION ACT

Regulations made by the Minister under sections 12 and 28 of the Investment Promotion Act

1. Short title

These regulations may be cited as the **Economic Development Board (Property Development Scheme) Regulations 2015**.

Amended by [\[GN No. 80 of 2019\]](#)

2. Interpretation

In these regulations —

“Act” means the Economic Development Board Act 2017;

“builder” means a person who uses his own human and material resources or those of third parties to execute building works;

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

“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 under regulation 12, 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;

“company” means a company incorporated or registered under the Companies Act;

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

“Foundation” has the same meaning as in the Foundations Act;

“letter of approval” means a letter of approval issued under regulation 7(4);

“limited partnership” has the same meaning as in the Limited Partnerships Act;

“Mauritian Diaspora Scheme” means the Mauritian Diaspora Scheme referred to in the Act;

“non-citizen” —

- (a) means a citizen of any country, other than Mauritius;
- (b) includes a member of the Mauritian Diaspora under the Mauritian Diaspora Scheme;
- (c) includes —
 - (i) a company of which any shareholder or ultimate beneficiary is a non- citizen;
 - (ii) a *société* or limited partnership, where any associate, partner or ultimate beneficiary is a non-citizen;
 - (iii) a trust or Foundation in which a non-citizen holds a beneficial interest; but
- (d) does not include a prohibited immigrant as defined in the Immigration Act;

"NRF" means the National Resilience Fund established under the Finance and Audit (National Resilience Fund) Regulations 2012;

“PDS Certificate” means a certificate issued under regulation 7(6);

“PDS Company” means a company to which a PDS Certificate has been issued;

“PDS Developer” means a person carrying out a project under the Scheme;

“PDS Project” means a project under the Scheme;

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

“residential property”, in relation to the Scheme, means any luxury villa, apartment, penthouse or other similar property used, or available for use, as residence with attending services or amenities;

“retired person” —

- (a) means a person who is aged not less than 50 years; and
- (b) includes a non-citizen;

“Scheme” or “PDS” means the Property Development Scheme set up under regulation 3;

“senior living” means age-restricted multi-housing units with senior care services, facilities and amenities, intended to be occupied exclusively by retired persons;

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

“social needs assessment” means the assessment of social needs carried out under regulation 7(2)(d);

“trust” has the same meaning as in the Trusts Act.

Amended by [\[GN No. 80 of 2019\]](#); [\[GN No. 71 of 2024\]](#)

3. Property Development Scheme

There is set up for the purposes of section 12 of the Act a Property Development Scheme.

4. Objects of Scheme

The objects of the Scheme shall be —

- (a) to promote inclusive development and provide for a wide range of living, employment and leisure opportunities to Mauritian citizens, members of the Mauritian Diaspora registered under the Mauritian Diaspora Scheme as well as non-citizens; and
- (b) to ensure that the benefits of the development of the Scheme accrue to neighbouring communities and to small entrepreneurs generally.

5. Project under Scheme

- (1) Notwithstanding paragraph (4) every project under the Scheme shall consist of inclusive development on an area of land of an extent of not less than 0.4220 hectare (one arpent) and providing for —
 - (a) not less than 6 residential properties of high standing;
 - (b) high quality public spaces for the purpose of promoting social interaction and a

sense of community;

(c) leisure and commercial amenities as well as facilities intended to enhance the properties referred to in paragraph (a); and

(d) day to day management services to the residents, including security, maintenance, gardening, solid waste disposal and other household services.

(2) The area of land referred to in paragraph (1) may be made up of more than one plot of land belonging to one or more persons and where the area is made up of more than one plot of land, the plots making up the area shall be contiguous.

(3) The extent of land in respect of each residential property under paragraph (1), other than an apartment complex, shall not exceed 0.5276 hectare (1.25 arpent).

(4) Every PDS Project relating to senior living shall —

(a) provide for —

(i) the construction of a new building; or

(ii) the redevelopment of an existing building,

of not less than 25 residential properties exclusively for use, or intended to be occupied, by retired persons;

(b) provide or arrange for personal care services and homecare services that may include, but not limited to, provision or arrangement for a nurse station, daily food services, individualised service plan, 24-hour on-site monitoring for any emergency health service;

(c) provide for leisure facilities for retired persons;

(d) provide that a PDS Company may, subject to paragraph (5) and regulations 11 and 12—

- (i) sell a residential property which a retired person shall occupy; or
 - (ii) grant, by agreement, to a retired person the right to live, free of rent, in a residential unit for the rest of his life; and
 - (e) notwithstanding the Non-Citizens (Property Restriction) Act, provide that a PDS Company may, subject to paragraph (5) and regulations 11 and 12, lease or rent a residential property to a retired person.
- (5) The acquisition of a residential property under paragraph (4) may be made on the basis of a plan, during the construction phase or when the construction is completed.

Amended by [IGN No. 213 of 2016](#); [IGN No. 80 of 2019](#)

6. Qualifications of a PDS Developer

- (1) No person shall be a PDS Developer unless that person —
- (a) is a company having as sole purpose or object the promotion, development and implementation of a PDS Project; and
 - (b) holds a PDS Certificate.
- (2) No person shall develop a PDS Project relating to senior living unless that person —
- (a) is a company having as sole purpose or object the promotion, development and implementation of a PDS Project exclusively for senior living;
 - (b) holds a residential care home licence under the Residential Care Homes Act; and
 - (c) holds a PDS Certificate.

Amended by [IGN No. 80 of 2019](#)

7. PDS Certificate

- (1) A person intending to carry out a PDS Project shall apply to the Board for a

PDS Certificate in such form as the Board may determine.

(2) An applicant under paragraph (1) shall, together with the application, submit to the Board —

- a) all the information and particulars relating to the PDS Project;
- b) an implementation plan relating to the PDS Project together with full details including a time frame for its completion;
- c) social impact assessment to identify the impact of the PDS Project on its neighbouring community together with a written undertaking that the benefits of the PDS Project shall accrue to the neighbouring community and to small entrepreneurs generally in terms of employment and business opportunities;
- d) an assessment of the social needs of the neighbouring community of the PDS Project in terms of social amenities, community development and other facilities together with a description of the social needs to be met by the applicant as well as the costs of and the time frame for meeting these needs;
- e) such other particulars of information and documents as the Chief Executive Officer may require.

(2A) Paragraph (2) (b) and (c) shall not apply to a PDS Project relating to senior living.

(2B) An application under paragraph (1) shall be accompanied by the non-refundable processing fee specified in item 3 or 4, as the case may be, of Part I of the Schedule to the Economic Development Board (Processing Fees) Regulations 2024.

(3) On receipt of an application under paragraph (1), the Board shall — -

- (a) examine the PDS Project and, where necessary, request the applicant to make such modifications as may be required; and
- (b) on being satisfied that the project meets the requirements of these regulations, approve the project on such terms and conditions as it may determine.

(4) Where the PDS Project is approved under paragraph (3), the Chief Executive Officer shall issue a letter of approval to the applicant on such terms and conditions as the Board may determine.

(5) Where an applicant is issued with a letter of approval —

- (a) the shareholders of the applicant shall give a written undertaking to the Chief Executive Officer that they will retain shares in the applicant equivalent to at least the value of the land to be used for the PDS Project for at least one year following the completion of the PDS Project;
- (b) the applicant shall obtain all the permits, licences and clearances, including an EIA licence and a Building and Land Use Permit, necessary to carry out the PDS Project; and
- (c) the applicant shall furnish a bank guarantee of 50,000 rupees per residential property forming part of the PDS Project to the Chief Executive Officer.

(6) Where the Board is satisfied that paragraph (5) and the terms and conditions of the letter of approval have been complied with, it shall issue the applicant with a PDS Certificate.

Amended by [\[GN No. 80 of 2019\]](#); [\[GN No. 71 of 2024\]](#)

8. Obligations of PBS Company

- (1) A PDS Company may sell a residential property under a PDS Scheme—
 - (a) on the basis of a plan;

- (b) during the construction phase; or
- (c) when the construction is completed.

(2) (a) Where the sale of a residential property is made on the basis of a plan or during the construction phase, the sale shall be governed by the provisions of a *vente a 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.

(b) Every PDS Company shall, pursuant to subparagraph (a), comply with article 1646-1 of the Code Civil Mauricien.

(3) Every PDS Company shall —

- (a) require the builder of each residential property constructed under the Scheme to subscribe to a property damage insurance policy in favour of the PDS Company or an eventual purchaser or a subsequent purchaser of a residential property to guarantee for a period of one year from the delivery of the residential property to the PDS Company, the payment of compensation for any property damage due to execution faults or defects which affect the finish works or elements;
- (b) subscribe, in respect of each residential property, to a property damage insurance policy in favour of eventual or subsequent purchasers to guarantee —
 - (i) for a period of 10 years from the date of delivery -of a residential unit to the purchaser, the payment of compensation for any property damage caused to a residential building by faults or defects originating in or affecting the structural elements, including the foundation, supports, beams, framework, load-bearing walls or other structural elements and which could directly jeopardise the building's structural soundness and stability; and
 - (ii) for a period of 2 years from the date of delivery of the residential property to the purchaser, the payment of compensation for any property damage resulting from faults or defects in non-structural elements or services resulting in noncompliance with the requirements of a deed of sale in respect

of a residential property;

(c) appoint an independent quality assurance contractor who shall — -

- (i) ensure that construction works conform with standards set out in the contract with the builder; and
- (ii) at the time of delivery of a residential property to a purchaser, deliver to that purchaser a clearance certificate stating that the construction works conform with the standards set out in the contract between the PDS Company and the builder.

(4) Where the builder fails to subscribe to the property damage insurance policy referred to in paragraph (3)(a), the PDS Company shall withhold an amount representing 5 per cent of the contractual price of the building works.

9. Implementation of PDS Project

(1) Every PDS Company shall, at all times, be responsible for the execution of the whole project, and shall be answerable to the Board for its proper implementation in accordance with the PDS Certificate issued under section 16 of the Act.

(2) The PDS Company shall —

- (a) not make any alteration to the components of the project without the prior approval of the Board; and
- (b) submit to the Chief Executive Officer, every month, a progress report on —

- (i) the building works certified by an independent quality assurance contractor referred to in regulation 8(3)(c); and
- (ii) the general implementation of the Scheme.

(3) (a) Where a PDS Company fails to complete the construction works within the time frame specified in the PDS Certificate, the Board shall, subject to subparagraph (b), realise the bank guarantee referred to in regulation 7(5)(c).

(b) The Board may, for reasons beyond the control of the PDS Company, extend the

time period referred to in subparagraph (a) to such period as it may determine.

Amended by [\[GN No. 80 of 2019\]](#)

10. Contributions to NRF

- (1) Subject to paragraph (2), every PDS Company, other than a PDS Company carrying out a PDS project relating to senior living, shall, within one month from the end of every quarter, contribute to the NRF 200,000 rupees per residential property or per plot of serviced land sold during that quarter.
- (2) Paragraph (1) shall not apply to funds which, prior to the coming into operation of these regulations, were committed to projects, under the revoked PDS Social Fund, which were approved by the Economic Development Board.
- (3) Any funds referred to in paragraph (2) and which are not used shall be transferred to the NRF.
- (4) A PDS Company, other than a PDS Company carrying out a PDS Project relating to senior living, shall, every quarter or at such other period as the Economic Development Board may determine, report to the Economic Development Board on any amount remitted to the NRF and the implementation of the projects referred to in paragraph (2).
- (5) The Economic Development Board shall, having regard to the report referred to in paragraph (4), monitor or cause to be monitored, through the relevant public sector agency, the implementation of the projects referred to in paragraph (2).

Amended by [\[GN No. 80 of 2019\]](#); [\[GN No. 71 of 2024\]](#)

11. Acquisition of residential property

(1) No person shall acquire a residential property under the Scheme on the basis of a plan, during the construction phase or when the construction is completed, unless the person is

—

- (a) in the case of a citizen of Mauritius, non-citizen or member of the Mauritian Diaspora registered under the Mauritian Diaspora Scheme, a natural person;
- (b) in any other case —

- (i) a company; -
- (ii) a *société*, of which the deed of formation is deposited with the Registrar of Companies;
- (iii) a limited partnership;
- (iv) a trust, where the trusteeship services are provided by a qualified trustee; or
- (v) a Foundation.

(2) Any acquisition of a residential property under the Scheme made by a non-citizen, shall be in US dollars or in any other hard convertible foreign currency or in Mauritius currency.

(3) Where the payment 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) where the price of the property exceeds 500,000 US dollars, from loans contracted in Mauritius currency with a bank in Mauritius provided that —
 - (i) the first 500,000 US dollars are, or its equivalent in any hard convertible foreign currency is, paid to the PDS Company; and
 - (ii) the repayment of the loan is effected in any hard convertible foreign currency.

12. Application to acquire residential property

(1) Any person referred to in regulation 11(1) who intends to acquire a residential property under the Scheme or to acquire, hold, lease or rent a residential property from a PDS Company relating to senior living, shall, through a PDS Company, make an application to the

Chief Executive Officer in such form and manner as the Chief Executive Officer may determine.

(2) An application under paragraph (1) shall be accompanied by the non-refundable processing fee specified in item 5 of Part II of the Schedule to the Economic Development Board (Processing Fees) Regulations 2024.

Amended by [\[GN No. 213 of 2016\]](#); [\[GN No. 196 of 2017\]](#); [\[GN No. 80 of 2019\]](#); [\[GN No. 71 of 2024\]](#)

13. Status of resident

(1) Where an application under regulation 12 is approved, the Chief Executive Officer shall inform an applicant who is not a citizen of Mauritius or a person registered under the Mauritian Diaspora Scheme that upon acquisition of a residential property for a sum of not less than 375,000 US dollars or its equivalent in any other hard convertible foreign currency, he shall have the status of resident pursuant to section 5(1)(g) of the Immigration Act.

(1A) Where a retired person who is a non-citizen acquires a residential property in a PDS Project relating to senior living, he may, pursuant to section 8(1)(fa) of the Immigration Act 2022, apply, through the Chief Executive Officer, for the status of resident.

(2) Where the amount payable is made in any hard 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.

(3) Where a person has the status of resident pursuant to paragraph (1) —

(a) his spouse or common law partner; or

(b) the child, stepchild or lawfully adopted child, under the age of 24, of the person or a person to whom paragraph (a) applies;

(c) a wholly dependent next of kin of the person, where he is unmarried, provided that the number of dependents does not exceed 3,

shall have the status of resident.

(4) Where a non-citizen who has acquired the status of resident pursuant to section 5(1)(g) and (h) of the Immigration Act no longer satisfies the requirements of the Scheme, the Chief Executive Officer shall forthwith certify to the Ministry responsible for the subject of immigration that the non-citizen has ceased to satisfy the criteria and conditions of registration under the Act.

Amended by [\[GN No. 80 of 2019\]](#); [\[GN No. 297 of 2021\]](#); [\[GN No. 71 of 2024\]](#)

14. Letting of residential property

(1) No owner of a residential property under the Scheme shall offer that property for letting otherwise than through —

(a) the PDS Company; or

(b) a provider of property management services, designated by the PDS Company.

(2) The property for letting under paragraph (1) shall be subject to section 25A of the Tourism Authority Act.

15. Resale of residential property

(1) Where the owner of a residential property under the Scheme is a non-citizen and intends to sell or transfer the property or any shares, rights or interests therein, he shall, within 30 days prior to the sale, give notice in writing thereof to the Chief Executive Officer.

(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 11(1);

(b) the acquisition of the residential property is in conformity with these regulations;

and

- (c) the acquirer pays to the Economic Development Board the non-refundable processing fee specified in item 5 of Part II of the Schedule to the Economic Development Board (Processing Fees) Regulations 2024.

Amended by [IGN No. 80 of 2019](#); [IGN No. 71 of 2024](#)

16. Sale of property other than residential property

(1) Where a PDS Company intends to sell any part or 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 Chief Executive Officer.

(2) Subject to paragraphs (3) and (4), a PDS Company shall not sell any bare land or serviced land to a non-citizen for the construction of residential properties.

(3) A PDS company may —

(a) subject to paragraph (4) —

- (i) sell plots of serviced land for the construction of residential properties to a citizen of Mauritius or member of the Mauritian Diaspora registered under the Mauritian Diaspora Scheme;
 - (ii) sell only one plot of serviced land for the construction of a residential property to a non-citizen, provided the transfer is made on or before 30 June 2026;
- (b) enter into an agreement for, or receive any payment or other consideration from, the sale of a plot of serviced land after furnishing the Economic Development Board with a bank guarantee equivalent to the estimated value of the infrastructural works to service the plot of land being sold, provided the payment received by the PDS company do not exceed the amount covered by the bank guarantee.

- (4) No sale of a plot of serviced land shall be effected under paragraph (3)(a)(i) and (ii) unless —
- (a) at least 6 residential properties have been sold in accordance with regulations 8(1) and (2)(a) and 11(1);
 - (b) the infrastructural works, including those relating to roads, walls; drains, landscaping and utility services, have been completed in respect of the area of the serviced land;
 - (c) the total area of all plots of serviced land for sale does not exceed 25 per cent of the land area planned for the construction of residential properties;
 - (d) each plot of serviced land for sale does not exceed 2,100 square metres in area.
- (5) A person who buys a plot of serviced land under paragraph (3)(a)(i) or (ii) shall —
- (a) where he is a citizen of Mauritius or member of the Mauritian Diaspora registered under the Mauritian Diaspora Scheme, build a residential property on that plot within 10 years from the date of its acquisition; or
 - (b) where he is a non-citizen, build a residential property on that plot within 5 years from the date of its acquisition; and
 - (c) build the residential property in accordance with the architectural guidelines issued by the PDS company.
- (6) No plot of serviced land acquired by a citizen of Mauritius or member of the Mauritian Diaspora registered under the Mauritian Diaspora Scheme shall be sold or transferred unless the acquirer of the plot undertakes to complete the construction of the residential property on the plot within 10 years from the date of its first acquisition from the PDS company.
- (7) No plot of serviced land acquired by a non-citizen shall be sold or transferred unless construction of the residential property on that plot is completed.
- (8) A non-citizen who acquires a plot of serviced land shall not be eligible to apply for a

residence permit in accordance with regulation 13, unless the construction of a residential property has been completed on that plot within the period referred to in paragraph (5)(b).

(9) In this regulation -

"non-citizen" means a person -

- (a) who is issued with a residence permit by virtue of section 8(1)(d)(i) and (e)(i) of the Immigration Act 2022;
- (b) who is issued with an occupation permit by virtue of section 12(1) of the Immigration Act 2022; or
- (c) who is granted the status of permanent resident by virtue of section 8(1)(o) of the Immigration Act 2022.

Amended by [\[GN No. 80 of 2019\]](#); [\[GN No. 297 of 2021\]](#); [\[GN No. 71 of 2024\]](#)

17. Duties and taxes

(1) No duties and taxes under the Land (Duties and Taxes) Act and the Registration Duty Act shall be payable on a deed witnessing the transfer of land to a PDS Company under the Scheme, provided that the transferor holds shares in the PDS Company equivalent to at least the value of the land transferred.

(2) Where the transferor holds shares in the PDS Company, the value of which is less than the value of the immovable property transferred, the land transfer tax and registration duty shall be levied in accordance with section 4(1)(h) of the Land (Duties and Taxes) Act and item 15 of the Second Schedule to the Registration Duty Act on the difference between the value of the immovable property transferred and the value of the shares held by the transferor in the PDS Company.

Amended by [\[GN No. 80 of 2019\]](#)

18. Mode of payment of duty or tax

(1) The amount of land transfer tax and registration duty referred to payable on the transfer of a residential property under the Scheme shall, when paid in foreign currency, be credited to the account of the Accountant-General with the Bank of Mauritius at the exchange selling rate in force at the time of signature of the title deed.

(2) 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.

Amended by [IGN No. 80 of 2019](#)

18A. Incentives to PDS Company relating to senior living and retired person

(1) (a) Subject to paragraph (b), income derived by a PDS Company implementing a project for senior living shall be exempt from income tax under the Income Tax Act for a period of 5 income years in respect of income derived from residential properties, exclusively used, for use, or intended to be occupied, by retired persons and provision of services and other facilities to retired persons, starting from, in respect of —

- (i) an already constructed building, the date of issue of a PDS Certificate relating to senior living; or
- (ii) a new building, the income year in which the company starts its operations.

(b) The exemption under paragraph (a) shall not apply to CSR under section 50L of the Income Tax Act.

(2) (a) Where a PDS Company implementing a project relating to senior living imports any dutiable goods, other than furniture, to be used in infrastructure works and construction of buildings under the Scheme, no customs duty shall be paid on those goods.

(b) Where a PDS Company implementing a project relating to senior living imports furniture in such condition that it would, to the satisfaction of the Economic Development Board with the concurrence of MRA Customs Department, require further processing resulting into value addition of at least 20 per cent of the c.i.f. value at import, no customs duty shall be paid on that furniture.

(3) Any income derived by a retired person or his spouse or common law partner, who has acquired the status of resident under regulation 13(1 A), from outside Mauritius during the 5 succeeding income years as from the income year in which he comes to Mauritius shall be exempt from income tax.

Added by [\[GN No. 80 of 2019\]](#)

19. Miscellaneous

(1) The Morcellement Act shall not apply to an excision or a morcellement under the Scheme.

(2) Section 50L of the Income Tax Act shall not apply to a PDS Company.

Made by the Minister on 12 June 2015.