

## TAX RESERVE CERTIFICATES ACT

Act 18 of 1957 – 9 November 1957

### ARRANGEMENT OF SECTIONS

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## TAX RESERVE CERTIFICATES ACT

### 1. Short title

This Act may be cited as the Tax Reserve Certificates Act.

### 2. Interpretation

In this Act—

“certificate” means a tax reserve certificate issued under this Act;

“purchaser”—

- (a) means any person to whom a tax reserve certificate is issued or transferred under this Act; and
- (b) includes a person to whom a new tax reserve certificate is issued under section 11.

### 3. Issue of certificates

(1) The President may issue tax reserve certificates in the form set out in the First Schedule.

(2) Certificates shall be issued only in fixed multiples of 50 rupees.

[S. 3 amended by Act 48 of 1991.]

#### **4. Validity of certificates**

(1) A certificate shall be accepted at its face value in payment of an amount due or payable to Government in respect of a tax specified in the Second Schedule or which the President may, by Proclamation, add to the Second Schedule.

(2) (a) Where the face value of a certificate tendered in payment under subsection (1) exceeds the amount of the tax payable, the balance outstanding shall be endorsed on the certificate in multiples of 50 rupees.

(b) Where there is a balance outstanding of less than 50 rupees, the Accountant-General shall pay the amount of the balance to the purchaser.

(c) Where a certificate has been endorsed under paragraph (a), the face value of the certificate shall be the amount so endorsed.

[S. 4 amended by Act 48 of 1991.]

#### **5. Rate of interest and exemption**

(1) (a) Subject to subsection (2), interest at the rate of 7 per cent per annum for every completed month, commencing on the first day of the month following the date of issue and ending on the last day of the month immediately preceding that in which a certificate is accepted for payment of tax, shall be paid by the Accountant-General on the face value of a certificate so accepted to the extent of such acceptance.

(b) Where a certificate is accepted on the last day of a month, interest shall be payable for that month.

(2) The President may, by regulations, vary the rate of interest specified in subsection (1), and interest shall be paid at the new rate on any certificate purchased after the date of coming into operation of such regulations.

(3) All interest paid in respect of a certificate shall be exempt from payment of income tax.

[S. 5 amended by Act 48 of 1991.]

#### **6. Disposal of certificates after issue**

(1) No interest shall be payable for any period following the expiry of 3 years from the first day of the month following the date of issue on a certificate surrendered for payment of tax.

(2) At any time after the 3 years specified in subsection (1), the purchaser may apply to the Accountant-General for the repayment of the face value of the certificate.

#### **7. Transfer of certificates**

A certificate shall not be transferred without the prior consent in writing of the Accountant-General.

**8. – 9. —**

#### **10. Issue of certificates to minors**

No certificate shall be issued to a person who is a minor except in accordance with such terms, conditions and restrictions as may be prescribed.

#### **11. Replacement of certificates**

(1) Where a certificate is damaged or defaced, the Accountant-General may cause a new certificate to be made and delivered to the purchaser and cause the defaced certificate to be cancelled.

(2) The Accountant-General, on proof to his satisfaction that a certificate has been lost or destroyed before it has been surrendered, may, where the number and amount of the certificate are ascertained, and on due security being given, to his satisfaction, for indemnifying Government for any loss to which Government may be liable, issue a new certificate, corresponding in all respects with the certificate lost or destroyed.

(3) The new certificate shall, to all intents and purposes, have the same effect as the original certificate.

#### **12. Issue of new certificates or payment**

(1) The Accountant-General may, on the death of a purchaser and on delivery to him of a certificate—

- (a) issue a new certificate to and in the name of an heir or legatee of the deceased purchaser, where the heir or legatee of the deceased purchaser applies in the prescribed form for the issue of the certificate, and proves to the satisfaction of the Accountant-General that he is entitled to it; or
- (b) pay to such heir or legatee a sum equivalent to the face value of the certificate of the deceased purchaser at the time of death.

(2) Any new certificate issued and any payment made under this section by the Accountant-General shall be, and shall operate for all purposes as, a complete discharge of the obligations of Government and of the Accountant-General in respect of a certificate issued to the deceased purchaser, or of any money payable on the surrender of that certificate.

#### **13. Cancellation of certificates**

The Accountant-General shall, after the issue of a new certificate under section 12, cancel any certificate delivered to him for the purpose of such issue.

#### **14. Procedure on seizure of certificate**

(1) Where a certificate is seized in execution of a judgment or order of a Court, the person effecting the seizure shall forward the certificate to the Accountant-General, who shall pay the face value of the certificate and cancel it.

(2) Where that person, in the execution of a judgment or order entered or made against a purchaser, or in seizing the property of a purchaser under a judgment or order issued by a Court, is unable for any reason to obtain possession of the certificate, the face value of that certificate shall be deemed to be an unsecured debt due from the Accountant-General as debtor to the creditor.

(3) Where a certificate is owned by a company which is in the process of being wound up, the liquidator may surrender the certificate to the Accountant-General, who shall pay the face value of the certificate and cancel it.

**15. Protection of Accountant-General**

(1) No liability shall be incurred by the Accountant-General in respect of a payment *bona fide* made, or an act *bona fide* done, in pursuance or supposed pursuance of the powers conferred upon him by this Act.

(2) Nothing in this section shall affect the right of a person to recover from any other person money erroneously paid to that other person by or under the authority of the Accountant-General.

**16. Regulations**

The President may make such regulations as he thinks fit for the purposes of this Act.

[S. 16 amended by Act 48 of 1991.]

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**FIRST SCHEDULE**

[Section 3]

**RECTO**

**TAX RESERVE CERTIFICATES ACT**

This is to certify that ..... of .....  
is/are the registered holder(s) of ..... percent Tax Reserve Certificate to the value of  
Rs ..... say rupees .....

Interest on the above holding will commence to run from ..... but will only be  
paid on the amount of the above holding surrendered for payment of a tax specified  
in the Second Schedule to the Tax Reserve Certificates Act.

Port Louis .....

.....  
Accountant-General

**FIRST SCHEDULE—continued**

THIS CERTIFICATE IS NOT NEGOTIABLE

APPL No .....	REG/FO .....	For official use only SUR .....
Date .....		INT/PD .....
		SUR .....
		INT/PD .....

Verso

THIS CERTIFICATE is reduced to Rs ..... say rupees..... ..... Interest on the surrendered portion has/has not been paid in full. Port Louis .....	THIS CERTIFICATE is reduced to Rs ..... say rupees ..... ..... Interest on the surrendered portion has/has not been paid in full. Port Louis .....
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Accountant-General

.....  
Accountant-  
General

THIS CERTIFICATE is reduced to Rs ..... say rupees ..... Interest on the surrendered portion has/has not been paid in full. Port Louis	THIS CERTIFICATE is reduced to Rs ..... say rupees ..... Interest on the surrendered portion has/has not been paid in full. Port Louis
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Accountant-General

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Accountant-General

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**SECOND SCHEDULE**

[Section 4]

Income tax

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