

Consolidated version

Economic Development Board (Film Rebate Scheme) Regulations 2018.

Amended by

- (1) *Investment Promotion (Film Rebate Scheme) (Amendment) Regulations 2013. (GN No. 184 of 2013)*
- (2) *Investment Promotion (Film Rebate Scheme) (Amendment) Regulations 2014. (GN No. 40 of 2014)*
- (3) *Investment Promotion (Film Rebate Scheme) (Amendment) Regulations 2016. (GN No. 207 of 2016)*
- (4) *Investment Promotion (Film Rebate Scheme) (Amendment) Regulation 2017. (GN No. 174 of 2017)*
- (5) *Economic Development Board (Film Rebate Scheme) Regulations 2018 (GN No. 99 of 2018)*

3 September 2018

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

Government Notice No. 99 o/2018

THE ECONOMIC DEVELOPMENT BOARD ACT

**Regulations made by the Minister under section 40 of the
Economic Development Board Act**

1. These regulations may be cited as the Economic Development Board (Film Rebate Scheme) Regulations 2013.

2. In these regulations –

"Act" means the Economic Development Board Act;

"Auditor" means a licensed auditor or an audit firm under the Financial Reporting Act;

“Committee” means the Film Rebate Committee set up under regulation 3A;

“Dubbing activity by copyright holders after film release;

"Film" -

(a) means an audio-visual production which is categorised as-

(i) a feature film, including theatrical documentary feature and animated feature which is intended to be screened as the main attraction in commercial cinemas, of a duration of not less than 60 minutes;

(ii) an episode of drama television programme, including animated programme;

(iii) an episode of television documentary programme, including factual, natural history, lifestyle or magazine programme;

(iv) a serial or a season of programmes referred under subparagraph (i) or (ii);

(v) an advertising programme or commercial;

(vi) a music video programme; and

(b) includes part of a film; but

(c) does not include an audio-visual production

(i) based on sports events;

(ii) which is likely to incite racial or civil hatred;

(iii) which is of pornographic nature;

(iv) based on current affairs; or

(v) which is a training or 'How to' programme;

"film producer" means an individual with a track record in film production of at least 5 years at the time a film production company seeks the consent of the Chief Executive Officer under regulation 5(1), and who works, as such, with that film production company;

"film production company" means a company incorporated or registered under the Companies act, which carries on the business of film production in Mauritius;

“member”

(a) means a member of the Committee; and

(b) includes the chairperson;

"props" means any moveable item which is meant to be visible on a film;

"qualifying production expenditure" -

(a) means-

(i) expenditure incurred in Mauritius by a production company in respect of the items set out in Part I of the Schedule for the shooting or pre-production, production or postproduction of a film in Mauritius;

(ii) such other items of expenditure usually incurred in the shooting or pre-production, production or postproduction of a film and approved by the Economic Development Board; but

(b) does not include -

(i) items of expenditure set out in Part II of the Schedule;

(ii) such other items of expenditure usually not granted in the shooting or pre-production, production or post-production of a film and not acceptable to the Economic Development Board;

"Scheme" means the Film Rebate Scheme set up under regulation 3.

3. (1) There is set up for the purposes of section 6 of the Act a Scheme which shall be known as the Film Rebate Scheme.

(2) The objects of the Scheme shall be -

(a) to attract reputed international film producers for the shooting or pre-production, production or post- production of a film in Mauritius;

(b) to open the scope for local film producers and artists;

(c) to unleash talents; and

(d) to increase the international visibility of Mauritius.

(3) The Scheme shall not apply to -

(a) a person other than a film production company;

(b) in case of a non-citizen –

- (i) a feature film where its qualifying production expenditure is less than 100,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency;
- (ii) an episode of drama television programme or an episode of television documentary, where its qualifying production expenditure is less than 20,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency;
or
- (iii) a music video programme where its qualifying production expenditure is less than 30,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency;

(c) in case of a citizen of Mauritius –

- (i) a feature film where its qualifying production expenditure is less than 50,000 US dollars or its equivalent in any other freely convertible foreign currency or Mauritius currency;
- (ii) an episode of drama television programme or an episode of television documentary, where its qualifying production expenditure is less than 20,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency;
- (iii) a music video programme where its qualifying production expenditure is less than 15,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency

(d) an episode of factual, natural history, lifestyle, magazine, commercial, or an advertising, television programme, where its qualifying production expenditure is less than 30,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency

(e) a dubbing project where its qualifying production expenditure is less than 30,000 US dollars or its equivalent in any other freely convertible foreign currency or in Mauritius currency

(4) Under the Scheme, a production company-

(a) may be required-

(i) where the production company is a foreign production company, to enter into an agreement for co-production of a film with a local film producer;

(ii) to allow the participation of local artists in a film or local technicians in the production of a film;

(b) shall comply with such other conditions as the Economic Development Board may determine.

(5) Every film production company shall, subject to these regulations, benefit from the Scheme during a period of 10 years as from the date of registration of a film studio, provided that it makes use of the facilities available at the film studio within that period.

(6) A film production company shall, subject to regulations 5(1) and 6, be reimbursed –

(a) a sum representing 30 per cent of its qualifying production expenditure; or

(b) where the production brings or is likely to bring significant economic benefits, a sum representing not less than 30 per cent nor more than 40 per cent of qualifying production expenditure in respect of a feature film or an episode of drama television programme, in accordance with the percentage recommended by the Committee, provided that the film production company meets such relevant requirements as the Committee may set out, including –

(i) in the case of –

(A) a feature film, a qualifying production expenditure of not less than 1,000,000 US dollars; or

(B) an episode of drama television programme, a qualifying production expenditure of not less than 150,000 US dollars;

(ii) an undertaking to promote Mauritius at the time of the film promotion.

4. (1) There shall be set up for the purposes of these regulations a Film Rebate Committee.

(2) The Functions of the Committee shall be to –

(a) determine whether a production brings or is likely to bring significant economic benefits and recommend the percentage of qualifying production expenditure in respect of a feature film;

(b) set out relevant requirements; and

(c) determine whether a film production company meets relevant requirements under these regulations.

(3) The Committee shall consist of –

(a) the Chief Executive Officer or his representative, who shall be the Chairperson;

(b) a representative of the Prime Minister's Office;

(c) a representative of the Ministry responsible for the subject of finance;

(d) a representative of the Ministry responsible for the subject of arts and culture;

(e) a representative of the Mauritius Tourism Promotion Authority established under the Mauritius Tourism Promotion Authority Act; and

(f) a representative of the Mauritius Film Development Corporation established under the Mauritius Film Development Corporation Act.

(4) The Chief Executive Officer shall designate –

(a) an employee of the Economic Development Board to act as secretary to the Committee; and

(b) such other employees as may be necessary to assist the Committee in the discharge of its functions under these regulations.

(5) The Secretary to the Committee shall –

(a) give notice of every meeting of the Committee to the members;

(b) prepare and attend every meeting of the Committee;

(c) keep minutes of proceedings of every meeting of the Committee;

(d) have such other duties as may be conferred upon him by the Committee.

(6) (a) The Committee may co-opt such other persons as may be of assistance to it in relation to any matter before it.

(b) A person co-opted under subparagraph (a) shall not have the right to vote on any matter before the Committee.

(7) The Committee shall meet as often as may be necessary, at such time and place and by using such communication medium as the chairperson may determine.

(8) At any meeting of the Committee, 4 members shall constitute a quorum.

(9) Subject to these regulations, the Committee shall regulate its meetings and proceedings in such manner as it may determine.

5. (1) Any film production company which wishes to obtain a reimbursement under regulation 3(6) shall, not later than 4 weeks before it starts its operation in Mauritius, seek,

in such form and manner as the Chief Executive Officer may determine, the consent of the Chief Executive Officer to that effect.

(2) The Chief Executive Officer shall, for the purposes of these regulations, provide the production company with such facilities for permissions or authorisations as may be required.

6. (1) Subject to paragraphs (2) and (3), an application for reimbursement under the Scheme shall be made, in such form and manner as the Chief Executive Officer may determine, to the Chief Executive Officer not later than 60 days after the completion of its operations in Mauritius, and shall be accompanied by a certified report of the auditor of the film production company providing details of the amount of the qualifying production expenditure incurred and actually paid by the film production company.

(2) On receipt of an application under paragraph (1), the Chief Executive Officer shall, upon being satisfied that the application meets the requirements of these regulations, determine the amount to be reimbursed and shall, not later than 30 days from the date of receipt of the application, reimburse the amount so determined.

(3) Any reimbursement under the Scheme shall be made in Mauritius currency and where the reimbursement is to be made in a freely convertible foreign currency, the exchange rate shall be the exchange rate in force at the time of application made under paragraph (1).
7. (1) Every film production company shall keep at its business premises in Mauritius, whether on computer or otherwise, in the English or French language, a full and true record of all transactions and other acts engaged by production company that are relevant for the purpose of enabling its qualifying production expenditure to be readily ascertained by the Chief Executive Officer.

(2) Every record kept by a production company under paragraph (1) shall be kept for a period of at least 5 years after the completion of its operations in Mauritius and be made available on demand by the Chief Executive Officer.
8. The Investment Promotion (Film Rebate Scheme) Regulations 2013 are revoked.
9. Every film production company which has benefitted from the Film Rebate Scheme under the revoked Investment Promotion (Film Rebate Scheme) Regulations 2013 shall be deemed to have benefitted from that scheme under these regulations.

SCHEDULE
[Regulation 2]

PART I - ITEMS OF EXPENDITURE INCLUDED IN QUALIFYING PRODUCTION EXPENDITURE

Accommodation in Mauritius

Animal services

Audio rentals

Catering

Construction

Craft services

Diving services

Dubbing activity after release by copyright holder

Electricity and utilities

Generators

Ground transport and facility vehicle services

Insurance and accounting services

Labour costs

Laundry and cleaning services

Location fees

Per diems

Post production services (picture and sound)

Production service company fees

Remuneration for cast and crew

Rental of camera and lighting equipment

Rental of marine vehicles

Rental of mobile structures

Rental of offices, office furniture and equipment

Rental of helicopters and aeroplanes

Rental of studio facilities, warehouse and storage facilities and workshops

Rental or purchase of props
Rental of water tanks and related marine services
Repairs and restorations
Security services
Set dressing
Special effects services
Shipping
Stunt services
Telecommunications
Travel to Mauritius (flight and marine travel)
Visual effects services
Wardrobe rentals

PART II - ITEMS OF EXPENDITURE NOT INCLUDED IN QUALIFYING PRODUCTION EXPENDITURE

Any payment made to any local company where services are subcontracted outside Mauritius
Cast tips, gifts, and entertainment allowance
Cost arising at post-distribution or broadcasting level
Cost associated with distribution or promotion of a film
Costs of acquiring depreciating assets
Costs of acquiring rights other than those necessary for the production of a film
Costs of financing
Cost of organising or providing pre-sales monies
Crew deferments
Legal or consultancy fees
Profit participations and residuals