



Financial Services Commission
Mauritius

FSC GUIDE TO GLOBAL BUSINESS

CHAPTER 4

4. Determination of conduct of Business

- 4.1 To be eligible for a Category 1 Global Business Licence (“GBL1”), a resident corporation should propose to conduct business outside Mauritius, pursuant to S71(1) of the Financial Services Act 2007 (“FSA”).
- 4.2 A GBC1 holding a global headquarters administration licence or a global treasury activities licence, operating in Mauritius and providing its services to related corporations which are located outside Mauritius or which holds a GBL1, is deemed to be conducting business outside Mauritius, pursuant to S73(3) of the FSA.
- 4.3 In determining the conduct of business, the Commission will consider whether the ultimate purpose of the applicant’s proposed activity is an investment to be made or a service to be provided outside Mauritius.
- 4.3.1 The company will not necessarily qualify for a GBL1 simply because its ultimate clients are based outside Mauritius. For instance, a resident corporation set up for the purpose of providing call centre services in Mauritius to overseas clients will not be considered as conducting business outside Mauritius.
- 4.4 A resident corporation holding a GBL1 shall be deemed to be conducting business outside Mauritius, notwithstanding the following dealings and transactions with residents of Mauritius:
- (i) opening and maintaining with a bank an account in Mauritius currency for the purpose of its day-to-day transactions arising from its ordinary operations in Mauritius;
 - (ii) leasing, holding, acquiring or disposing of an immovable property or any interest in immovable property situated in Mauritius subject to the Non-Citizens (Property Restrictions) Act;
 - (iii) investing in any securities listed on a securities exchange licensed under the Securities Act 2005;
 - (iv) opening and maintaining with a bank an account in foreign currency;

- (v) holding any share, debenture, security or any interest in or otherwise dealing or transacting with a corporation holding a Global Business Licence;
- (vi) entering into a business relationship with the holder of a Management Licence or a law practitioner, legal consultant, law firm or qualified auditor in Mauritius; and
- (vii) employing staff resident in Mauritius.

5. Conduct of business in Mauritius

5.1 Pursuant to S71(6) of the FSA, a holder of a GBL1 may conduct business in Mauritius subject to such restrictions, terms and conditions as may be provided in any guidelines issued by the Commission.

5.2 A holder of a GBL1 may conduct business in Mauritius provided that:

- (i) the conduct of business is in compliance with the relevant Acts and other laws applicable in Mauritius;
- (ii) it is able to demonstrate to the Commission its eligibility to a GBL1- that most of its business is being carried out outside Mauritius;
- (iii) it submits every year, together with its audited financial statements:
 - (a) a report signed by the Directors certifying that the Company has complied with all the provisions of the FSA and any Regulations, FSC Rules and guidelines issued under it; and
 - (b) a certificate from its auditor confirming the percentage of the business conducted in Mauritius.

5.3 For avoidance of doubt, the Commission shall not consider dealings with other GBCs as conduct of business in Mauritius.

5.4 Pursuant to S71(6)(b) of the FSA, the Commission may direct the holder of a GBL1 to cease part or all of its business in Mauritius or take such remedial action as the Commission thinks fit where the holder of GBL1 is-

- (i) not meeting the conditions or requirements laid down in guidelines or FSC Rules issued by the Commission (including conditions specified in paragraph 5.2 above); or
- (ii) conducting its activities in Mauritius in a way which is detrimental to the public or economic interest of Mauritius.