

The FSC recently published a communique regarding amendments which were brought to Section 3 of Chapter 4 of the Guide to Global Business. The amendments in the Guide to Global Business require GBC1s to have presence which can be reasonably expected from a corporation managed and controlled in Mauritius. In addition to existing requirements, other conditions which will be considered by the Commission include amongst others: having office premises, holding assets, employing staff and using the services of local providers.

These new requirements should be implemented by January 1, 2015. We therefore recommend that the necessary steps be taken to ensure that all the GBC1 companies have the requisite substance presence in Mauritius by that date.

Further to existing conditions stipulated in section 3 with regards to the Control and Management of Conduct of Business for a GBC1, a new clause has been added whereby several criteria have been set out, **only one** of which needs to be satisfied.

For ease of reference, we list below the list of existing conditions:

- The company has at least 2 directors, resident in Mauritius, of sufficient caliber to exercise independence of mind and judgment;
- The company maintains at all times its principal bank account in Mauritius;
- The company keeps and maintains, at all times, its accounting records at its registered office in Mauritius;
- The company prepares its statutory financial statements and causes such financial statements to be audited in Mauritius;
- The company provides for meetings of directors to include at least 2 directors from Mauritius; and
- The company is authorized/licensed as a collective investment scheme, closed end fund or external pension scheme, administered from Mauritius

New requirements include the following:

- The corporation has or shall have office premises in Mauritius; or
- The corporation employs or shall employ on a full time basis at administrative/technical level, at least one person who shall be resident in Mauritius; or
- The corporation's constitution contains a clause whereby all disputes arising out of the constitution shall be resolved by way of arbitration in Mauritius;
- The corporation holds or is expected to hold within the next 12 months, assets (excluding cash held in bank account or shares/interests in another corporation holding a Global Business License) which are worth at least USD 100,000 in Mauritius;
- The corporation's shares are listed on a securities exchange licensed by the Commission; or
- It has or is expected to have a yearly expenditure in Mauritius which can be reasonably expected from any similar corporation which is controlled and managed from Mauritius.

Should you require any other information/advice, please do not hesitate to contact us further. We shall be pleased to assist you accordingly.