

## **Guidance Notes - Acquisition of Immovable Property or Rights Therein in Seychelles by Non -Seychellois**

1. A Non-Seychellois individual or corporate body may purchase immovable property which is privately owned or rights therein in Seychelles subject to sanction being obtained from the Government of Seychelles. Sanctions granted are valid from one year from the date on which these were issued during which time the transactions must have been effected and registered.
2. A Non-Seychellois may not purchase freehold any immovable property owned by the State, save in certain specific instances. However subject to the necessary approvals and Sanction being granted a Non-Seychellois may hold such property on a long term lease.
3. A Non-Seychellois may not acquire freehold land on any outlying island of the Seychelles. However subject to the necessary approvals and Sanction being granted a Non-Seychellois may hold such property on a long term lease.
4. A Non-Seychellois may not purchase immovable property sold by the State to a third party under the Land Bank Programme.
5. An application for sanction to purchase, lease or hold an option to purchase immovable property or rights therein in Seychelles must be submitted to the Office of the Principal Secretary, Ministry of Land Use and Housing, either directly or through a Notary or an Attorney in Seychelles. A statutory processing fee equivalent to 1.5% of the market value of the property is charged for the processing of the application. In the case of a leasehold interest, a processing fee equivalent to 1.5% of the annual rent is payable. In the case of purchase of shares in a company owning an interest in immovable property, a processing fee of SR1,000/- per application is payable.
6. Any acquisition of an interest in land through purchase or lease of land or rights therein must be related to an approved development project.
7. Any purchase of immovable property (ie a holiday home or residential development) within a tourism resort development is guided by the Villas Policy of September 2013 which inter alia sets out the rates of taxes payable and other conditions of purchase.. The Villas Policy can be downloaded from [www.luh.gov.sc](http://www.luh.gov.sc) or [www.sib.gov.sc](http://www.sib.gov.sc)
8. In the case of purchase of immovable property for a holiday home or residential development outside the Villas Policy, a Sanction duty (currently 11%) of the market value of the property is payable to the Government of Seychelles over and above the applicable Stamp Duty (currently 5%) of the market value of the property. The vehicle of ownership is limited to natural persons and/or a local company with natural persons as shareholders, directors and beneficial owners. In the case of corporate shareholders, directors and beneficial owners in a local company the shareholders, directors and beneficial owners must be readily traceable in Seychelles to natural persons.
9. In the case of investments in the tourism or industrial sectors or other bona fide investments in the country as well as those coming under the purview of the Villas Policy, the purchaser is exempted from the applicable Sanction duty. Sanction Duty is also exempted in the case of:

- (a) transfers between spouses/parent/children, partition amongst heirs, settlement of matrimonial property voluntarily or through Court Judgments;
  - (b) transfer of shares in an existing land owning entity which is required in connection with the normal conduct of the business as an ongoing concern in Seychelles (excluding residential properties and holiday homes) e.g: corporate restructuring, shares allotments following increases in share capital.
10. Sanction application forms can be collected from the Office of the Principal Secretary, Ministry of Land Use and Housing or downloaded from the Ministry's website [www.luh.gov.sc](http://www.luh.gov.sc)
11. All applications **must** be accompanied by the following:-
1. **The Applicant**
    - (a) **in the case of an individual(s):**
      - Certified true copy of applicant/(s) valid passport details which must be accompanied by the contact details of the certifying Notary or Attorney.
      - Copies of 2 utility bills as proof of residential address which should not be older than 3 months from the date of the application
      - Original Current Police Clearance Certificate not older than 6 months from the date of the application in country of residence in the last 2 years.
      - Signed declaration that the individual is not (or is) a Politically Exposed Person (PEP).
      - Signed declaration of source of funds to be used for the proposed transaction (declaration form can be downloaded from [www.luh.gov.sc](http://www.luh.gov.sc)).
      - Signed declaration of proof of funds from the originating bank validating the proposed transaction. (e.g. a bank-signed bank statement showing the requisite balance of funds or a letter of reference stating availability of funds from the bank).
    - (b) **in the case of a corporate body:**
      - Certificate of Incorporation
      - Memorandum and Articles and Association.
      - Share certificates and register of directors.
      - Written declaration by the natural person(s) who are the ultimate beneficial owner(s) of the corporate body which is duly certified by a notary or attorney and with the contact details of the certifying Notary or Attorney.
      - Signed declaration that the ultimate beneficial owner(s) is/are or is not/are not Politically Exposed Person(s) (PEP).

- Certified true copy of valid passport details of the ultimate beneficial owner(s) which must be accompanied by the contact details of the certifying Notary or Attorney.
- Copies of 2 utility bills of the ultimate beneficial owner(s) as proof of residential address which should not be older than 3 months from the date of the application.
- Original Current Police Clearance Certificate of the ultimate beneficial owner(s) not older than 6 months from the date of the application in country of residence in the last 2 years.
- Copies of 2 utility bills as proof of residential address which should not be older than 3 months from the date of the application and certified true copies of valid passport details with the contact details of the certifying Notary or Attorney for each director and for each shareholder holding 25% or more of the shares of the corporate body.
- Signed declaration of source of funds to be used for the proposed transaction (Declaration Form can be downloaded from [www.luh.gov.sc](http://www.luh.gov.sc)).
- Signed declaration of proof of funds from the originating bank validating the proposed transaction. (e.g. a bank-signed bank statement showing the requisite balance of funds or a letter of reference stating availability of funds from the bank).

2. **The Vendor**

**(a) in the case of an individual(s):**

- Certified true copy of vendor(s) valid passport details which must be accompanied by the contact details of the certifying Notary or Attorney.
- Copies of 2 utility bills as proof of residential address which should not be older than 3 months from the date of the application.
- Where the Vendor(s) is/are Non-Seychellois Original Current Police Clearance Certificate not older than 6 months from the date of the application in country of residence in the last 2 years.

**(b) in the case of a corporate body:**

- Certificate of Incorporation.
- Memorandum and Articles and Association.
- Share certificates and register of directors.
- Written declaration by the natural person(s) who are the ultimate beneficial owner(s) of the corporate body which is duly certified by a notary or attorney and with the contact details of the certifying Notary or Attorney.

- Certified true copy of valid passport details of the ultimate beneficial owner(s) which must be accompanied by the contact details of the certifying Notary or Attorney.
- Copies of 2 utility bills of the ultimate beneficial owner(s) as proof of residential address which should not be older than 3 months from the date of the application.
- Where the Vendor(s) is/are Non-Seychellois Original Current Police Clearance Certificate of the ultimate beneficial owner(s) not older than 6 months from the date of the application in country of residence in the last 2 years.
- Certified true copies of valid passport details with the contact details of the certifying Notary or Attorney for each director and for each shareholder holding 25% or more of the shares of the corporate body.

**N.B All submitted documents which are not in English or French language must be translated with the full contact details of the translator.**

12. Government has with effect from 15<sup>th</sup> April 2014 granted an amnesty for a period of 12 months for all Non-Seychellois beneficial owners of immovable property which may have been acquired in the past through nominee companies or Seychellois Nationals, to submit an application for sanction to regularize ownership.

All applications for regularization of ownership must be accompanied by the following:

1. **The Applicant (the Transferee)**

(a) **in the case of regularization from Nominee or Nominee Company to natural person(s):**

- Certified true copy of applicant/(s) valid passport details which must be accompanied by the contact details of the certifying Notary or Attorney.
- Written declaration by the natural person(s) who are the ultimate beneficial owner(s) of the corporate body or Nominee Company which is duly certified by a notary or attorney and with the contact details of the certifying notary or attorney.
- Copies of 2 utility bills as proof of residential address which should not be older than 3 months from the date of the application.
- Original Current Police Clearance Certificate not older than 6 months from the date of the application in country of residence in the last 2 years.
- Signed declaration that the individual(s) is not/are not (or is/are) Politically Exposed Person(s) (PEP).

2. **The Vendor (the Transferor)**

(a) **Details of Natural Person(s) as Nominee:**

- Certified true copy of transferor(s) valid passport details which must be accompanied by the contact details of the certifying Notary or Attorney.
- Copies of 2 utility bills as proof of residential address which should not be older than 3 months from the date of the application.

(b) **Or in the case of a Nominee Company:**

- Certificate of Incorporation.
- Memorandum and Articles and Association.
- Share certificates and register of directors.
- Copies of 2 utility bills as proof of residential address which should not be older than 3 months from the date of the application and certified true copies of valid passport details with the contact details of the certifying Notary or Attorney for each director and for each shareholder holding 25% or more of the shares of the corporate body.

**N.B All submitted documents which are not in English or French language must be translated with the full contact details of the translator.**