



Treaty Series No. 20 (1968)

Exchange of Letters

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Malawi

concerning
British Aided Conditions of Service
in respect of certain British Officers in the
Public Service of Malawi

Zomba, 17 and 21 November 1966

[The Agreement entered into force on 21 November 1966]

*Presented to Parliament by the Secretary of State for Commonwealth Affairs
by Command of Her Majesty
February 1968*

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EXCHANGE OF LETTERS
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF MALAWI CONCERNING BRITISH AIDED
CONDITIONS OF SERVICE IN RESPECT OF CERTAIN BRITISH
OFFICERS IN THE PUBLIC SERVICE OF MALAWI

No. 1

*The United Kingdom High Commissioner at Zomba to the Secretary to
the President and Cabinet of Malawi*

*British High Commission,
Zomba, Malawi,*

17 November, 1966.

Sir,

I have the honour to refer to discussions which have taken place recently between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malawi concerning British Aided Conditions of Service which have been introduced in respect of certain British officers in the Public Service of Malawi. During these discussions the following arrangements were proposed.

1. There are two categories of officers concerned—

(a) contract officers serving in the Public Service of Malawi on 1 July, 1966—

- (i) who were not serving, on that date, on the terms of service applicable to locally based officers published in the Malawi Government's Establishment Circular No. 148 of 1964 dated 1 May, 1964, as subsequently amended from time to time;
- (ii) who are not designated for the purposes of the Overseas Service (Nyasaland) Agreement 1961;⁽¹⁾
- (iii) who were, on 1 July, 1966, citizens of the United Kingdom and Colonies or the Republic of Ireland;
- (iv) who have, on the recommendation of the Government of Malawi, been named by Her Majesty's Minister of Overseas Development (hereinafter called "the Minister") as officers to whom these arrangements refer; and
- (v) who are serving in contract appointments under British Aided Conditions of Service;

(b) pensionable officers serving in the Public Service of Malawi on 1 July, 1966—

- (i) who were not serving, on that date, on the terms of service applicable to locally based officers published in the Malawi Government's Establishment Circular No. 148 of 1964 dated 1 May, 1964, as subsequently amended from time to time;

⁽¹⁾ Cmnd. 3533.

- (ii) who are not designated for the purposes of the Overseas Service (Nyasaland) Agreement 1961;
- (iii) who were, on 1 July, 1966, citizens of the United Kingdom and Colonies or the Republic of Ireland;
- (iv) who have on the recommendation of the Government of Malawi been named by the Minister as officers to whom these arrangements refer; and
- (v) who retire and continue in the Public Service of Malawi in contract appointments under *British Aided Conditions of Service*.

2. As to these two categories of officers—

(a) the Government of the United Kingdom will reimburse the Government of Malawi—

(i) the aggregate amount of any inducement allowances and education allowances paid by the Government of Malawi to such officers at such annual rates and on such conditions as the Government of Malawi may, with the concurrence of the Government of the United Kingdom, prescribe, less (in the case of inducement allowances) such sums as may be agreed between the Government of Malawi and the Government of the United Kingdom as being equivalent for the purposes of these arrangements to the proceeds of taxation payable by such officers on inducement allowances;

(ii) one-half of the aggregate cost of providing passages for such officers, their wives and children by such means, routes and classes of accommodation, and in accordance with such conditions, as the Government of Malawi may, with the concurrence of the Government of the United Kingdom, prescribe;

(iii) the aggregate cost of providing, in addition to the passages referred to in sub-paragraph (b) above, return passages by such means, routes and classes of accommodation and in accordance with such conditions as the Government of Malawi may, with the concurrence of the Government of the United Kingdom, prescribe for the children who are being educated outside Malawi, of such officers; and

(iv) that part of any gratuity paid by the Government of Malawi to such an officer which accrues to that officer by virtue of the addition to his emoluments, after 1 July, 1966, of the inducement allowance referred to above;

(b) the Government of the United Kingdom will pay direct to each such officer, on behalf of the Government of Malawi, such flat rate increase of emoluments as the Government of the United Kingdom may prescribe.

3. The Government of Malawi will take such steps as may be necessary to ensure that—

(a) the education allowances referred to in this Letter;

(b) the flat rate increases of emoluments paid to an officer; and

(c) the value of such passages for the officer and his family as the Government of Malawi, with the concurrence of the Government of the United Kingdom, may prescribe

will not be subject to income tax under any law for the time being in force in Malawi.

4. (a) On or before 1 October in each year the Government of Malawi will provide the Government of the United Kingdom with such information, including information concerning any variation in the numbers of officers which results from the establishment requirements of the Government of Malawi, as the Government of the United Kingdom may require to calculate the amounts payable by the Government of the United Kingdom under these arrangements during the ensuing financial year of the Government of the United Kingdom.

(b) The Government of Malawi will, whenever requested so to do by the Government of the United Kingdom, supply to the Government of the United Kingdom such accounts and other information in connection with the operation of these arrangements as may be specified in such request.

5. The Government of Malawi will consult the Government of the United Kingdom before effecting any changes in policy which might affect the recruitment, terms of service and number of officers so as to vary the amounts payable by the Government of the United Kingdom under these arrangements.

6. Subject to the provisions of paragraphs 4 and 5 of this Letter, nothing in these arrangements shall affect the right of the Government of Malawi to vary its disposition or requirements of officers in its Public Service as it sees fit.

7. These arrangements will terminate on 31 March, 1971, or on such other date as the Government of Malawi and the Government of the United Kingdom may agree.

8. If these proposals are acceptable to the Government of Malawi, I have the honour to suggest that this Letter and your reply to that effect shall be regarded as constituting an Agreement between our two Governments in this matter.

I have the honour to be,

Sir,

Your obedient Servant,

D. L. COLE.

The Secretary to the President and the Cabinet of Malawi to the United Kingdom High Commissioner at Zomba

*Office of the President,
Zomba,
Malawi.*

21st November, 1966.

Sir,

I have the honour to acknowledge your letter dated the 17th November, setting out the proposals now made by the Government of the United Kingdom of Great Britain and Northern Ireland, concerning British Aided Conditions of Service, in respect of certain British officers in the Public Service of Malawi.

In reply I have the honour to inform you that the proposals set out in detail in your letter under reference are acceptable to the Government of Malawi, who accordingly regard your letter and this reply as constituting an Agreement between our two Governments in this matter.

I have the honour to be,

Sir,

Your obedient servant,

B. C. ROBERTS.

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