

ZAMBIA



Treaty Series No. 89 (1981)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Zambia
constituting the Overseas Service
(Zambia) Agreement 1981

Lusaka 19 March/14 August 1981

[The Agreement entered into force on 1 April 1981]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 1981*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF ZAMBIA CONSTITUTING
THE OVERSEAS SERVICE (ZAMBIA) AGREEMENT 1981**

No. 1

*The United Kingdom High Commissioner at Lusaka to the Secretary to the
Cabinet of Zambia*

*British High Commission
Lusaka*

19 March 1981

Dear Mr. Willima,

Overseas Service Aid Scheme Agreement 1981

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Zambia relating to certain officers in the public service of the Government of the Republic of Zambia and to place on record the terms of the Agreement which was reached.

1. The Government of the United Kingdom shall provide assistance in respect of officers in the public service of the Government of the Republic of Zambia who are designated by the Government of the United Kingdom (such officers hereinafter being referred to as "designated officers") upon the terms and conditions set out in the Annex to this Note.

2. Any salary supplement, allowance, grant or costs paid by the Government of the United Kingdom to or in respect of staff designated under this Agreement in respect of duties performed in Zambia shall be exempt from the payment of tax under any law for the time being in force in Zambia, provided that the person concerned is resident in Zambia solely for the purpose of performing such duties.

3. This Agreement shall replace the Overseas Service (Zambia) (Continuance) Agreement 1971/76⁽¹⁾.

4. This Agreement shall terminate, unless otherwise agreed between the Government of the United Kingdom and the Government of the Republic of Zambia, on 31 March 1986.

If this Note, and its Annex, correctly set out the terms of the Agreement, I have the honour to propose that this Note and your reply in that sense shall constitute an Agreement between our two Governments which shall enter into force on 1 April 1981 and shall be cited as the Overseas Service (Zambia) Agreement 1981.

Yours sincerely,

JOHN JOHNSON

⁽¹⁾ Treaty Series No. 62 (1976), Cmnd. 6532.

1. The Government of the United Kingdom shall make the payments and reimbursements specified in this Annex to or in respect of officers in the public service of the Government of the Republic of Zambia who are designated by the Government of the United Kingdom in accordance with this Agreement (such officers hereinafter being referred to as "designated officers").

2. The Government of the United Kingdom shall, on behalf of the Government of the Republic of Zambia, pay direct to each designated officer to the extent to which he may be eligible and under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom:

- (a) a salary supplement;
- (b) an education allowance in respect of any child;
- (c) an appointment grant;
- (d) the costs of medical (including dental) expenses.

3. The Government of the United Kingdom shall meet the cost of holiday visit passages for the dependent children of a designated officer to enable them to visit their parents in Zambia on such terms and conditions and occasions and in respect of such dependent children and at such rates by such classes of accommodation as may be specified from time to time by the Government of the United Kingdom.

4. The Government of the United Kingdom shall reimburse the Government of the Republic of Zambia the aggregate amount paid by the Government of the Republic of Zambia in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 3 of this Annex) as the Government of the Republic of Zambia may, with the concurrence of the Government of the United Kingdom, prescribe. Passages shall be, where available, by British carriers and, where practicable, by charter flights or on an excursion or other cheap rate tariff.

5. Payments by the Government of the United Kingdom under paragraph 2 of this Annex shall be made into an account at a bank nominated by the designated officer and situated in the United Kingdom or the Republic of Ireland or such other country as may be agreed by the Government of the United Kingdom.

6. The Government of the Republic of Zambia shall provide each designated officer within six weeks of his arrival in Zambia with accommodation and basic furnishings of reasonable standard appropriate to the rank and family circumstances of the officer at a rent reasonable in relation to his local basic salary.

7. The Government of the Republic of Zambia shall, whenever requested to do so by the Government of the United Kingdom, supply to that Government such accounts and other information in connection with the operation of this Agreement as may be specified in such request.

8. In the event of a designated officer being seconded from the public service of the Government of the Republic of Zambia without the concurrence of the Government of the United Kingdom, the Government of the Republic of Zambia shall, if requested to do so by the Government of the United Kingdom, pay to that Government a sum equal to the total cost of the payments and reimbursements made by that Government to or in respect of that officer whilst so seconded.

9. In order to avoid over-payments by the Government of the United Kingdom, the Government of the Republic of Zambia shall immediately inform the Government of the United Kingdom of any event which might affect the obligations of the Government of the United Kingdom to make payments to or in respect of a designated officer; and if the Government of the Republic of Zambia should fail to comply with this paragraph and that failure results in the Government of the United Kingdom making an over-payment to an officer, the Government of the Republic of Zambia shall, unless the failure arose in circumstances beyond the control of the Government of the Republic of Zambia, reimburse the Government of the United Kingdom the whole of that over-payment. The Government of the United Kingdom shall, however, return to the Government of the Republic of Zambia any money recovered from the officer in respect of such over-payment, less the costs of recovery.

10. Whenever the Government of the Republic of Zambia wishes to renew the contract of a designated officer, or to recruit an officer who may be eligible for designation, that Government shall consult the Government of the United Kingdom who shall inform the Government of the Republic of Zambia whether or not the officer's designation may be continued or the officer designated, as the case may be, in accordance with this Agreement.

11. An officer may be designated generally or for such period as may be specified in the designation; and the designation of an officer may be terminated at the discretion of the Government of the United Kingdom, provided that the Government of the United Kingdom in exercising such discretion shall take into account the consequences that might follow.

12. The Government of the United Kingdom and the Government of the Republic of Zambia shall hold periodic reviews of the requirements that the Government of the Republic of Zambia may have as regards the employment of designated officers in their public service, so that the Government of the United Kingdom in consultation with the Government of the Republic of Zambia may determine the categories and numbers of officers whom the Government of the United Kingdom is prepared to consider designating. During such reviews the Government of the Republic of Zambia shall provide the Government of the United Kingdom with such information as that Government may require in order to calculate the amounts which may be payable by that Government and the number of officers who may be designated.

No. 2

*The Secretary to the Cabinet of Zambia to the United Kingdom
High Commissioner at Lusaka*

*Cabinet Office
Lusaka*

14 August 1981

Dear Mr. Johnson,

Overseas Aid Service (Zambia) Agreement 1981

I have the honour to acknowledge receipt of your Note of 19th March, 1981 concerning the Overseas Service (Zambia) Agreement 1981, which reads as follows:—

[As in No. 1]

2. In reply, I am pleased to inform you that the Agreement is acceptable to the Government of the Republic of Zambia. This reply, which supersedes my replies of 27th March, 1981 and 30th March, 1981, should be taken as constituting an Agreement between our two (2) Governments in the above matter.

Yours sincerely,

E. I. L. WILLIMA

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