

No. 5324

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
FEDERATION OF MALAYA**

**Public Officers Agreement, 1959. Signed at Kuala Lumpur,  
on 27 July 1959**

*Official text: English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
25 August 1960.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
FÉDÉRATION DE MALAISIE**

**Accord de 1959 relatif aux fonctionnaires. Signé à Kuala  
Lumpur, le 27 juillet 1959**

*Texte officiel anglais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
25 août 1960.*

No. 5324. PUBLIC OFFICERS AGREEMENT, 1959<sup>1</sup>, BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FEDERATION OF MALAYA. SIGNED AT KUALA LUMPUR, ON 27 JULY 1959

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The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federation of Malaya have agreed as follows :

*Interpretation*

1. In this Agreement—

“the Agreement” means the Federation of Malaya Agreement, 1948, as in force immediately before the 31st day of August 1957 ;

“the Federation” means the Federation of Malaya ;

“officer” means—

- (a) an officer who was appointed or selected for appointment or offered an appointment by the Secretary of State, or whose appointment was approved by the Secretary of State, or
- (b) an officer who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in a public office, or
- (c) any other officer, however appointed, who is a member of Her Majesty's Overseas Civil Service,

and who, before the 31st day of August 1957, was serving or had served, whether in a pensionable office or as an officer of Class C (as defined in paragraph 1 of Part I of the Tenth Schedule to the Agreement) in the public service of the Federation ;

“pension” means a pension payable by the Government of the Federation to or in respect of an officer and includes—

- (a) any gratuity or other retiring allowance so payable and lump sum compensation for loss of career payable under the Agreement ; and
- (b) any pension payable to the widow, child or dependant of an officer and any contributions repayable and interest payable to an officer under any law providing for the payment of pensions to the widows and children of public officers.

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<sup>1</sup> Came into force on 27 July 1959 by signature.

*Officers serving after the 31st day of August 1957*

2.—(1) An officer who continues to serve in the Federation on and after the 31st day of August 1957 shall be entitled to receive from the Government of the Federation conditions of service not less favourable than those to which he was entitled immediately before that date, and in particular and without prejudice to the generality of the foregoing he shall be entitled—

- (a) as respects tenure of office, promotion and discipline, to conditions not less favourable than those provided for in the Agreement ; and
- b) as respects remuneration, pension, leave and passages, to conditions not less favourable than those in force immediately before the 31st day of August 1957.

(2) Nothing in this clause shall be construed so as to prevent the Government of the Federation from reducing, if the cost of living falls, the cost of living allowance payable to an officer.

*Entitled officers*

3. An entitled officer (as defined in paragraph 1 of Part I of the Tenth Schedule to the Agreement) who continues to serve in the Federation on and after the 31st day of August 1957 shall be entitled to retire at any time after giving the six month's notice in writing required by paragraph 5 of Part I of that Schedule ; and he, and his dependants or legal personal representative, as the case may be, shall be entitled to receive from the Government of the Federation the awards and benefits specified in Part I of that Schedule.

*Class D officers*

4. An officer of Class D (as defined in paragraph 1 of Part I of the Tenth Schedule to the Agreement) who elects to revert to his former public service at any time between the 31st day of August 1957 and the 30th day of June 1962 shall be entitled to receive the lump sum compensation specified in subparagraph (1) of paragraph 11 of Part I of that Schedule.

*Exemption from income tax*

5. The payments in respect of compensation and gratuity specified in paragraph 17 of Part I of the Tenth Schedule to the Agreement shall be exempt from income tax imposed by the Income Tax Ordinance, 1947, or any other written law for the time being in force in the Federation relating to the taxation of incomes.

*Preservation of pensions*

6. Pensions which have been, or which may be, granted to any persons who have been, and have ceased to be, in the public service of the Federation before the

31st day of August 1957, or to the widows, children or dependants of such persons, shall be paid in accordance with the law under which they were granted or, if granted after that date, in accordance with the law in force immediately before that date, or in either case in accordance with any law made thereafter which is not less favourable.

*Payment of pensions*

7.—(1) Pensions paid elsewhere than in the Federation shall, after the 31st day of August 1957, be paid in sterling, and shall continue to be calculated at the rate of two shillings and four pence to one Malayan dollar notwithstanding any variation in that rate.

(2) Every officer eligible for a pension who retires after the 31st day of August 1957 shall exercise before the award of his pension or before the 31st day of December 1959, if that is later, an option as to whether his pension, and after his death any pension payable to his widow, children or any dependant, shall be paid in the Federation or elsewhere :

Provided that, where no option is exercised in accordance with this paragraph in respect of any pension being paid on the 31st day of December 1959, an option shall be deemed to have been exercised for the payment of the pension either in the Federation or elsewhere, according as it was being paid immediately before that date.

(3) Where, upon the death of an officer, a pension becomes payable into his estate or to his widow, children or any dependant, an option as to whether the pension shall be paid in the Federation or elsewhere—

(a) may be exercised within one year of his death by the pensioner ; and

(b) shall, if so exercised, be substituted for the option (if any) exercised or deemed to have been exercised by the officer under paragraph (2) of this clause.

(4) Every pensioner who was being paid a pension by the Government of the Federation on the 31st day of August 1957 shall exercise before the 31st day of December 1959 an option as to whether the pension shall be paid in the Federation or elsewhere :

Provided that, where no option is exercised in accordance with this paragraph before that date, an option shall be deemed to have been exercised for the payment of the pension either in the Federation or elsewhere, according as it was being paid immediately before that date.

(5) Where an option is exercised in accordance with this clause for the payment of a pension in the Federation, the option may be revoked, and a fresh option may be

exercised by the pensioner for the payment of the pension elsewhere than in the Federation—

- (a) within one year of the date from which the pension becomes payable, or
- (b) if the pensioner ceases to reside in the Federation.

(6) Where an option is exercised in accordance with this clause for the payment of a pension elsewhere than in the Federation, the pension may be paid in any country outside the Federation according as the pensioner by notice in writing may from time to time request, or the option may be revoked and a fresh option may be exercised by the pensioner for the payment of the pension in the Federation, if the pensioner becomes resident in the Federation.

(7) An option exercised or revoked in accordance with this clause—

- (a) shall be exercised or revoked by notice in writing ; and
- (b) shall be deemed to have been exercised or revoked on the date on which the notice is received.

(8) In this clause “pensioner” means the person entitled to the payment of a pension or, if that person is a minor, means his or her lawful guardian.

#### *Members of Her Majesty's Overseas Civil Service and Her Majesty's Overseas Judiciary*

8. The Government of the United Kingdom of Great Britain and Northern Ireland undertakes that an officer who is a member of Her Majesty's Overseas Civil Service or of Her Majesty's Overseas Judiciary, and who continues on and after the 31st day of August 1957 to serve in the Federation, shall remain eligible to be considered by the Government of the United Kingdom of Great Britain and Northern Ireland for transfer or promotion to employment in the public service elsewhere ; and the Government of the Federation undertakes that it will comply with any reasonable request which may at any time be made by the Government of the United Kingdom of Great Britain and Northern Ireland to release him for such transfer or promotion, and that it will preserve his pension rights when he is so transferred or promoted.

#### *Citation*

9. This Agreement may be cited as the United Kingdom and Federation of Malaya Public Officers Agreement, 1959.

DONE in duplicate at Kuala Lumpur this 27th day of July, 1959.

Signed on behalf of the Government of the United Kingdom  
of Great Britain and Northern Ireland :

G. W. TORY

Signed on behalf of the Government of the Federation of Malaya :

Ismail RAHMAN