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No. 6037

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SIERRA LEONE**

**Public Officers' Agreement. Signed at Freetown, on 5 May
1961**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
19 January 1962.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
SIERRA LEONE**

**Accord relatif aux fonctionnaires. Signé à Freetown, le
5 mai 1961**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
19 janvier 1962.*

No. 6037. PUBLIC OFFICERS' AGREEMENT¹ BETWEEN THE GOVERNMENT OF SIERRA LEONE AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. SIGNED AT FREETOWN, ON 5 MAY 1961

The Government of Sierra Leone and the Government of the United Kingdom have agreed as follows :

INTERPRETATION

1.—(1) In this Agreement—

- (a) “the appointed day” means the 23rd day of November, 1960;
- (b) “Overseas officer” means an officer in the Public Service of Sierra Leone who is not domiciled in Sierra Leone and who is, either individually or as a member of a class, declared by the Governor, acting in his discretion, to be an overseas officer;
- (c) “officer” refers to an overseas officer, or to any other officer who retires under the provisions of the Schedule to the Sierra Leone (Constitution) (Amendment) (No. 3) Order in Council, 1960, who, before the appointed day, was the substantive holder of a pensionable office in the Public Service of Sierra Leone, being a person—
 - (i) who was selected for or offered appointment to the Public Service of Sierra Leone by a Secretary of State;
 - (ii) whose appointment was approved by a Secretary of State; or
 - (iii) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in any such office; or
 - (iv) who (although not an officer falling within sub-paragraphs (i), (ii) or (iii) of this paragraph) is or has been a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary.

(2) In this Agreement “pension” means—

- (a) any pension, gratuity, retiring allowance or other like benefit payable by the Government of Sierra Leone to or in respect of any officer including any increase of pension; and
- (b) any pension including any increase of pension, payable to the widow or child of an officer and any contributions repayable and interest payable to an

¹ Came into force on 27 April 1961, in accordance with paragraph 8.

officer under any law providing for payment of pensions to widows and children of officers;

*(c) "compensation" means compensation for loss of career as provided for in the Schedule to the Sierra Leone (Constitution) (Amendment) (No. 3) Order in Council, 1960.

(3) "Substantive holder" in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

CONDITIONS OF SERVICE

2.—(1) The conditions of service applicable to an officer who continues to serve in the Public Service of Sierra Leone on or after the appointed day shall not be less favourable than those which were applicable to him immediately before that date.

(2) An officer who continues to serve in the Public Service of Sierra Leone on or after the appointed day shall be treated for the purpose of posting and promotion on equal terms with other members of the Public Service having regard to their qualifications, experience and merit.

(3) In this paragraph, "conditions of service" means the laws, rules, regulations, orders, and other instruments that regulate the terms of service of an officer including, without prejudice to the generality of the foregoing, provisions relating to his tenure of office, transfer, promotion, disciplinary control, salary (including salary scales), allowances, quarters, leave and passages.

RETIREMENT AND PENSIONS

3. An officer who continues to serve in the Public Service of Sierra Leone on or after the appointed day shall be entitled to retire and his eligibility and that of his widow, children, dependants and personal representatives to receive a pension shall be governed by the laws, regulations, and administrative directions in force immediately before the appointed day or by such other laws, regulations and administrative directions made thereafter that are not less favourable; and pensions shall be granted and paid to such officers and other persons accordingly.

PRESERVATION OF PENSIONS

4. Pensions of officers who have been, and have ceased to be, in the Public Service of Sierra Leone before the appointed day or to the widow, children, dependants or personal representatives of such persons shall be granted and paid, or, if granted before that date, shall continue to be paid, in accordance with the

* P.N. No. 27 of 1961.

laws, regulations, and administrative directions governing those pensions immediately before that date or in accordance with such laws, regulations and administrative directions made thereafter that are not less favourable.

PAYMENT OF PENSIONS

5.—(1) Pensions paid outside Sierra Leone on or after the appointed day shall be paid in sterling and shall be calculated at the official rate of exchange prevailing on that date between the pound sterling and the currency in use in Sierra Leone notwithstanding any variation in that rate :

Provided that if there is a general revision of salaries consequent upon a revaluation of the currency of Sierra Leone as a result of which the pensionable emoluments of an officer may be increased the Government of Sierra Leone may require that officer to agree that any pension that may be granted to him shall be calculated at the rate of exchange prevailing at the date of the salaries revision before granting him the benefit of the increase of pensionable emoluments.

(2) Every officer who has been granted or is being paid a pension before the appointed day shall exercise within six months of that date an option as to whether his pension and any pension that may in due course become payable to his widow, children, dependants or personal representatives, shall be paid in Sierra Leone or outside Sierra Leone :

Provided that where no option is exercised in respect of a pension in payment within six months after that date an option shall be deemed to have been exercised for the payment of the pension either in Sierra Leone or outside Sierra Leone according to where it was being paid on that date.

(3) In every other case, an officer eligible for a pension shall exercise before the award of his pension an option as to whether his pension and any pension that may become payable to his widow, children, dependants or personal representatives, shall be paid in Sierra Leone or outside Sierra Leone.

(4) Where, upon the death of an officer, a pension becomes payable to his widow, children, or any dependant, or to his personal representatives, an option as to whether the pension shall be paid in Sierra Leone or outside Sierra Leone—

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

(b) shall, if so exercised, be substituted for the option (if any) exercised by that officer under sub-paragraph (2) or sub-paragraph (3) of this paragraph.

(5) Where an option is exercised in accordance with this paragraph for the payment of a pension in Sierra Leone, the option may be revoked, and a fresh option may be exercised by the pensioner for the payment of the pension outside Sierra Leone, if the pensioner ceases to reside in Sierra Leone.

(6) Where an option is exercised in accordance with this paragraph for the payment of a pension outside Sierra Leone, the pension may be paid in any country outside Sierra Leone according as the pensioner by notice in writing may from time to time request, or, if the pensioner becomes resident in Sierra Leone and so requests by notice in writing, may be paid in Sierra Leone.

(7) An option exercised or revoked in accordance with this paragraph—
(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 paragraph “pensioner” means the person entitled to the payment of a pension or (if that person is a minor) means his or her lawful guardian.

OFFICER IN HER MAJESTY’S OVERSEAS CIVIL SERVICE AND HER MAJESTY’S OVERSEAS JUDICIARY

6.—(1) Officers who are members of Her Majesty’s Overseas Civil Service or of Her Majesty’s Overseas Judiciary shall continue to be eligible for consideration by the Government of the United Kingdom for transfer or promotion to employment in the public service of some other territory.

(2) The Government of Sierra Leone shall comply with any reasonable request that may at any time be made by the Government of the United Kingdom for the release of an officer for transfer or promotion in pursuance of paragraph (1) of this Article and shall take any action that may be necessary to preserve his pension rights when he is so transferred or promoted.

(3) Before he is released an officer shall be required to make arrangements satisfactory to the Government of Sierra Leone for the repayment to that Government of any compensation or instalments of compensation he may have received but not of any interest paid on outstanding instalments.

APPEALS BOARD

7.—(1) An officer who continues to serve in the Public Service of Sierra Leone on or after the appointed day shall have a right of appeal against any disciplinary or other decision relating to the retirement of the officer, to the extent that such decision might affect the compensation or pension to which he might be entitled.

- (2) The appeal shall lie to an Appeals Board consisting of—
- (a) one member appointed by the Government of Sierra Leone; and
 - (b) one member appointed by a Civil Servants' Association or other professional body nominated by the officer concerned; and
 - (c) a Chairman appointed by agreement between the Government of Sierra Leone and the body nominated as in (b) above.

(3) The proceedings of the Board shall be informal but the Board shall have access to all documents available to the Service Commission concerned in making its recommendation and shall be empowered to invite the attendance of persons before it including the officer by whom the appeal is lodged.

(4) The Board shall be empowered to cancel or amend any recommendation made by a Service Commission in so far as the recommendation might affect the compensation or pension to which an officer might be entitled.

CITATION AND COMMENCEMENT

8. This Agreement may be cited as the Public Officers' (Sierra Leone) Agreement, 1961, and shall be deemed to have come into operation on the 27th day of April, 1961.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

DONE at Freetown, Sierra Leone, on the 5th day of May, One thousand nine hundred and sixty-one.

For the Government of Sierra Leone :
M. A. S. MARGAI
Prime Minister

For the Government of the United Kingdom :
J. B. JOHNSTON
High Commissioner