

No. 6456

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
TANGANYIKA**

**Public Officers Agreement. Signed at Dar es Salaam, on
14 March 1962**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
20 December 1962.*

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

**Accord relatif aux fonctionnaires. Signé à Dar es-Salam, le
14 mars 1962**

Texte officiel anglais.

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

No. 6456. PUBLIC OFFICERS AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF TANGANYIKA. SIGNED AT DAR ES SALAAM, ON 14 MARCH 1962

Her Majesty's Government in the United Kingdom and the Government of Tanganyika have agreed as follows :

Interpretation

1. (1) In this Agreement :

(a) "the appointed day" means the date on which this Agreement is signed on behalf of the Tanganyika Government ;

(b) "overseas officer" means an officer whose conditions of service before the appointed day included an entitlement to free passages from East Africa for the purpose of leave of absence upon the completion of a tour of duty ;

(c) "officer" means an overseas officer who was, before the appointed day, the substantive holder of a pensionable office in the public service of Tanganyika, being a person—

- (i) who was selected for or offered appointment to the public service of Tanganyika by a Secretary of State ; or
- (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 or is or was a designated officer for the purposes of the Overseas Service (Tanganyika) Agreement, 1961 ;

(d) "pension" means any pension, gratuity, compensation, retiring allowance or otherlike benefit payable by the Government of Tanganyika to or in respect of any officer, or to the widow or child of an officer, including any increase of pension, and

¹ Came into force on 14 March 1962, in accordance with section 9.

any contributions repayable and interest payable to an officer under any law providing for payment of pensions to widows and children of officers ;

(e) "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.

(2) "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 the office for a specified term under a contract.

Conditions of Service

2. The conditions of service applicable to an officer who continues to be the substantive holder of a pensionable office in the public service of Tanganyika on or after the appointed day shall not be less favourable than those which were applicable to him immediately before that date.

Retirement and pensions

3. An officer who continues to be the substantive holder of a pensionable office in the public service of Tanganyika 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 others persons accordingly.

Preservation of Pensions

4. The pension of an officer who has ceased to be the substantive holder of a pensionable office in the public service of Tanganyika before the appointed day or of the widow, children, dependants or personal representatives of such an officer shall be granted and paid, or if granted before that date shall continue to be paid, in accordance with the laws, regulations and administrative directions governing those pensions immediately before that date or in accordance with such other laws, regulations and administrative directions made thereafter that are not less favourable.

Payment of Pensions

5. (1) Where the person to whom a pension is payable is or becomes resident in Tanganyika the pension shall be paid in Tanganyika :

Provided that a person shall not, for the purposes of this Article, be deemed to be resident in Tanganyika by reason only of the fact that he is in Tanganyika in the service of the Government of Tanganyika.

(2) Where the person to whom a pension is payable is or becomes resident outside Tanganyika the pension shall at the option of that person be paid either in Tanganyika or in the country in which he is residing or, subject to the provisions of any law for the time being in force relating to foreign exchange, in any other country as may from time to time be requested in writing by him, and, until an option is exercised, in the case of a pension which is payable on the appointed day, the pension shall be paid according to where it was being paid prior to that day, and in the case of a pension which is payable after the appointed day, the pension shall be paid in Tanganyika.

(3) An option exercised under paragraph (2) of this Article—

(a) may, subject to paragraph (1) of this Article, be revoked at any time and a fresh option be exercised ;

(b) shall be exercised or revoked by notice in writing ;

(c) shall take effect on the first day of the next succeeding month, or at the person's election on the first day of any subsequent month after the date on which the notice is received by the Permanent Secretary to the Tanganyika Treasury.

(4) Pensions payable outside Tanganyika after the appointed day shall be paid in sterling and shall be calculated at the official rate of exchange prevailing on the appointed day between the pound sterling and the currency in use in Tanganyika, notwithstanding any variation in that rate :

Provided that if there is a general revision of salaries consequent upon the revaluation of the currency in use in Tanganyika as a result of which the pensionable emoluments of an officer may be increased, the Government of Tanganyika 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 revision of salaries before granting him the benefit of the increase of pensionable emoluments :

Provided further that in the event of a change in the monetary unit of currency in use in Tanganyika, such change shall not affect the calculation of any pension, payable under this Article outside Tanganyika, so as to reduce the amount of the pension in terms of the pound sterling.

(5) Where the person to whom a pension is payable is a minor, his or her lawful guardian may exercise the option conferred by this paragraph.

Options

6. For the purposes of this Agreement, in so far as the law, regulations or administrative directions applicable to the grant of a pension or to other conditions of service depends on the option of the person to or in respect of whom the pension is granted or is to be granted, or of the officer to whom the conditions of service apply, the law, regulations or administrative directions for which such person or officer opts shall be taken to be more favourable to him than any other law, regulation or administrative direction for which he might have opted.

Officers in H.M.O.C.S. and H.M.O.J.

7. (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 Her Majesty's Government in the United Kingdom for transfer or promotion to employment in the public service of some other territory.

(2) The Government of Tanganyika shall comply with any reasonable request that may at any time be made by Her Majesty's Government in 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 Tanganyika for the repayment to that Government of any compensation or instalments of compensation he may have received under the Tanganyika (Compensation and Retiring Benefits) Order in Council, 1961, but not of any interest paid on outstanding instalments.

Appeals Board

8. Section 11 (Appeals Board) of the Tanganyika (Constitution) Order in Council, 1961, relating to benefits, to which Section 84 of the Constitution of Tanganyika applies, that may be granted or that may have been granted to or in respect of an officer and Section 10 of that Order relating to compulsory retirement to facilitate the appointment of local candidates shall not be revoked or amended to the prejudice of the interests of any officer.

Citation and Commencement

9. This Agreement may be cited as the Public Officers (Tanganyika) Agreement, 1961, and shall come into operation on the appointed day.

DONE in duplicate at Dar es Salaam this 14th day of March, 1962.

Signed on behalf of Her Majesty's Government
in the United Kingdom :

N. PRITCHARD

Signed on behalf of the Government of Tanganyika:

R. M. KAWAWA