

No. 8553

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

**Agreement concerning the employment in the Public Service of Northern Rhodesia of certain British officers. Signed at London, on 11 January 1962, and at Lusaka, on 30 January 1962**

**Exchange of notes constituting an agreement concerning the extra contribution to be paid by the Government of the United Kingdom towards the cost of increases in emoluments paid to officers in the Public Service of Zambia who are designated for the purpose of the Overseas Service (Northern Rhodesia) Agreement, 1961. Lusaka, 28 July 1966**

*Official text: English.*

*Registered by Zambia on 1 March 1967.*

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

**Accord concernant l'emploi de certains fonctionnaires britanniques dans la fonction publique de la Rhodésie du Nord. Signé à Londres, le 11 janvier 1962, et à Lusaka, le 30 janvier 1962**

**Échange de notes constituant un accord concernant les montants supplémentaires dus par le Royaume-Uni au titre de la majoration des émoluments versés aux fonctionnaires employés dans la fonction publique de la Zambie et désignés aux fins de l'Accord de 1961 relatif aux fonctionnaires d'outre-mer (Rhodésie du Nord). Lusaka, 28 juillet 1966**

*Texte officiel anglais.*

*Enregistrés par la Zambie le 1<sup>er</sup> mars 1967.*

No. 8553. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA<sup>2</sup> AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING THE EMPLOYMENT IN THE PUBLIC SERVICE OF NORTHERN RHODESIA OF CERTAIN BRITISH OFFICERS. SIGNED AT LONDON, ON 11 JANUARY 1962, AND AT LUSAKA, ON 30 JANUARY 1962

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WHEREAS the Government of Northern Rhodesia considers that it would be in the public interest to employ in the public service certain officers from other countries ;

AND WHEREAS Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the Government of the United Kingdom) is prepared to contribute to that part of the cost of employing such officers as is attributable to the fact that such officers will be serving outside their own countries :

NOW THEREFORE it is agreed between Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Northern Rhodesia as follows :

1. In this Agreement unless the context otherwise requires :

“appointed day” means the first day of April, 1961 ;

“child” means the son or daughter of a designated officer including a stepson, stepdaughter, adopted son or adopted daughter, not having passed his or her twenty-first birthday and being unmarried and wholly dependent upon the designated officer ;

“compensation” means any sum of money, not being a pension or the commutation thereof or a gratuity, which is payable by the Government of Northern Rhodesia, on or after the appointed day, either in one payment or by instalments, including any sum payable by way of interest thereon or any additions to or any sum paid by way of commutation or additions to a pension, to a designated officer by virtue of arrangements for payment of compensation approved by a Secretary of State for the purpose of this Agreement ;

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<sup>1</sup> Deemed to have come into operation on 1 April 1961, in accordance with paragraph 9.

<sup>2</sup> This agreement was inherited by the Government of Zambia on the attainment of independence of Zambia on 24 October 1964.

“contract officer” means a designated officer who is on or after the appointed day a party to a contract of service in writing with the Government of Northern Rhodesia and whose service under that contract does not qualify him for a pension ;

“designated officer” means an officer designated as such by a Secretary of State who is :

- (i) an expatriate officer in the service of the Government of Northern Rhodesia on or after the appointed day ; and
- (ii) who :
  - (a) is a member of Her Majesty’s Overseas Civil Service ; or
  - (b) was selected for appointment by or with the approval of a Secretary of State, or was recruited by the Crown Agents for Oversea Governments and Administrations ; or
  - (c) was otherwise recruited to a post for which a normal channel of recruitment is either the Colonial Office or the Crown Agents for Oversea Governments and Administrations and whose appointment for the purpose of this Agreement is approved by a Secretary of State ;

“gratuity” means the sum payable to a contract officer, in addition to salary and allowance under his contract of service, and described therein as such or in the laws and regulations applicable thereto in return for service rendered, whether such sum is paid at the conclusion of that service or otherwise ;

“passage” means transportation of a designated officer, his wife, children and effects by such means, by such routes, in such classes of accommodation and in accordance with such conditions as the Government of Northern Rhodesia may with the concurrence of the Government of the United Kingdom prescribe ;

“pension” means the pension payable to a designated officer under the pensions Laws and Regulations applicable to him, including any sum paid to him by way of commutation of such pension, but excluding any compensation ;

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State in the United Kingdom.

2. In the event of the Government of Northern Rhodesia on or after the appointed day paying the allowances, and providing for the passages referred to in clause 3 of this Agreement, the Government of the United Kingdom will, in accordance with such procedure as may mutually be agreed between the said two Governments, reimburse the Government of Northern Rhodesia the following sums :

- (a) the aggregate amount of the allowance, referred to in paragraphs (a) and (b) of Clause 3 of this Agreement, and paid to designated officers less such sum

as may be agreed by the said two Governments as being equivalent for the purposes of this Agreement to the proceeds of taxation payable by designated officers on the allowances referred to in paragraphs (a) and (b) of Clause 3 of this Agreement ;

- (b) one half of the aggregate amount paid by the Government of Northern Rhodesia in providing for designated officers the passages referred to in paragraph (c) of Clause 3 of this Agreement less such sums as may be agreed by the said two Governments as being equivalent for the purposes of this Agreement to the proceeds of taxation on the value of such passages payable by designated officers ;
- (c) one half of the aggregate amount paid by the Government of Northern Rhodesia as compensation to designated officers ;
- (d) that part of any gratuity paid by the Government of Northern Rhodesia to a designated officer which accrues to the officer by virtue of the addition to his emoluments, after the appointed day, of the inducement allowance referred to in paragraph (a) of Clause 3 of this Agreement ;
- (e) that part of any pension paid by the Government of Northern Rhodesia to a designated officer which accrues to that officer by virtue of the addition to his pensionable emoluments, after the appointed day, of the inducement allowance referred to in paragraph (a) of Clause 3 of this Agreement which shall bear the same proportion to the total pension payable to that officer by the Government of Northern Rhodesia as the total amount of inducement allowance as aforesaid paid to him by the Government of Northern Rhodesia bears to the aggregate pensionable emoluments earned by him, before or after the appointed day while in the public service of the Government of Northern Rhodesia.

3. The allowances and passages mentioned in Clause 2 of this Agreement are as follows :

- (a) an inducement allowance paid to a designated officer at such annual rate as may be specified from time to time by the Government of the United Kingdom ;
- (b) any education allowance to which a designated officer may be entitled at rates and under conditions specified from time to time by the Government of the United Kingdom ;
- (c) passages on such occasions as the Government of Northern Rhodesia may with the concurrence of the Government of the United Kingdom prescribe.

4. The Government of the United Kingdom will take such steps as may be necessary to exempt the allowance referred to in paragraph (b) of Clause 3 of the Agreement and the value of the passages referred to in paragraph (c) of that clause from the

operation of any income tax law for the time being in force in the United Kingdom, and the Government of Northern Rhodesia will in so far as it lies within its competence so to do, take such steps as may be necessary to exempt the said allowance and the value of the said passages from the operation of any income tax law for the time being in force in Northern Rhodesia.

5. (1) On or before the 1st day of October in each year the Government of Northern Rhodesia will provide the Government of the United Kingdom with such information, including information concerning any variation in the numbers of designated officers which results from the establishment requirements of the Government of Northern Rhodesia, as the Government of the United Kingdom may require to calculate the amounts payable by the Government of the United Kingdom under Clause 2 of this Agreement during the ensuing financial year of the Government of the United Kingdom.

(2) The Government of Northern Rhodesia 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 this Agreement as may be specified in such request.

6. The Government of Northern Rhodesia will consult the Government of the United Kingdom before effecting any changes in policy which might affect the recruitment, terms of service and numbers of designated officers so as to vary the amounts reimbursable by the Government of the United Kingdom under Clause 2 of this Agreement.

7. Subject to the provisions of Clauses 5 and 6 of this Agreement, nothing in this Agreement shall affect the right of the Government of Northern Rhodesia to vary its dispositions or requirements of officers in its public service as it sees fit.

8. This Agreement shall terminate unless some other date is agreed between the Government of Northern Rhodesia and the Government of the United Kingdom on the 31st day of March, 1971.

Provided that :

- (i) This Agreement shall not be terminated on a date earlier than the 31st March, 1971, unless all the obligations arising thereunder, other than those in respect of pensions referred to in paragraph (e) of Clause 2 of this Agreement, have been discharged ; and
- (ii) the termination of this Agreement shall not affect the liability of the Government of the United Kingdom to make the reimbursements in respect of pensions referred to in paragraph (e) of Clause 2 of this Agreement.

9. This Agreement shall be deemed to have come into operation on the appointed day and may be cited as the Overseas Service (Northern Rhodesia) Agreement, 1961.

DONE in duplicate in London this eleventh day of January, 1962, and in Lusaka, this thirtieth day of January, 1962.

For the Government of the United Kingdom of Great Britain  
and Northern Ireland :

P. ROGERS

For the Government of Northern Rhodesia :

M. O. WRAY

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
ZAMBIA AND THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND CONCERNING THE EXTRA CONTRIBUTION  
TO BE PAID BY THE GOVERNMENT OF THE UNITED  
KINGDOM TOWARDS THE COST OF INCREASES IN  
EMOLUMENTS PAID TO OFFICERS IN THE PUBLIC  
SERVICE OF ZAMBIA WHO ARE DESIGNATED FOR THE  
PURPOSE OF THE OVERSEAS SERVICE (NORTHERN  
RHODESIA) AGREEMENT, 1961. LUSAKA, 28 JULY 1966

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I

BRITISH HIGH COMMISSION  
LUSAKA, ZAMBIA

ODA 2/13/4

28 July, 1966

Your Excellency,

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 Zambia concerning the extra contribution the Government of the United Kingdom will make towards the cost of increases in emoluments paid to officers in the Public Service of Zambia who are designated for the purpose of the Overseas Service (Northern Rhodesia) Agreement 1961, hereinafter referred to as "the 1961 Agreement". During these discussions the following arrangements were proposed.

2. There are two categories of officers concerned :
  - (i) Pensionable officers who are designated for the purposes of the 1961 Agreement ; and
  - (ii) Contract officers who are similarly designated.
3. As to the first category of officers, the amount of the increase in the inducement allowance (namely 10 per cent of gross salary) being paid to them will be reimbursed by the Government of the United Kingdom to the Government of Zambia in accordance with clause 2 of the 1961 Agreement with effect from 1 January, 1966. But if

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<sup>1</sup> Came into force on 28 July 1966, by the exchange of the said notes.

any of these officers should elect to be paid, instead of the amount of that increase, such flat rate increase of emoluments as may be specified in the manner provided by clause 3 (a) of the 1961 Agreement, the Government of the United Kingdom will, on behalf of the Government of Zambia, pay direct to that officer that flat rate increase.

4. As to the second category of officers, the Government of the United Kingdom will, on behalf of the Government of Zambia, pay direct to each of these officers such flat rate increase of emoluments as may be specified in the manner provided by clause 3 (a) of the 1961 Agreement.

5. The Government of Zambia will take such steps as may be necessary to ensure that the flat rate increase of emoluments paid direct by the Government of the United Kingdom to an officer will not be subject to income tax under any law for the time being in force in Zambia.

6. If the Government of Zambia provides, in addition to the passages to which the 1961 Agreement refers, return passages by such means, routes and classes of accommodation, and in accordance with such conditions, as may be prescribed in the manner provided by clause 3 (c) of the 1961 Agreement for the children, who are being educated outside Zambia, of any officer referred to in paragraph 2 of this letter, the Government of the United Kingdom will reimburse the Government of Zambia the aggregate cost of providing such passages.

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

8. If these proposals are acceptable to the Government of Zambia, 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.

9. I have the honour to renew to Your Excellency, the assurances of my highest consideration.

W. B. L. MONSON

The Hon. S. M. Kapwepwe  
Minister of Foreign Affairs  
Government of the Republic of Zambia  
Lusaka



## II

MINISTRY OF FOREIGN AFFAIRS  
LUSAKA

28th July, 1966

H.E. Sir Leslie Monson  
British High Commissioner  
British High Commission  
Lusaka

Your Excellency,

I have the honour to acknowledge receipt of your Letter of to-day's date which reads as follows :

[See note I]

In reply I have the honour to inform you that these proposals are acceptable to the Government of Zambia who therefore regard your Letter and this reply as constituting an Agreement between our two Governments in this matter.

I have the honour to renew to Your Excellency the assurances of my highest consideration.

S. M. KAPWEPWE  
Minister of Foreign Affairs