

No. 11086

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

**Public Officers Agreement. Signed at Suva on 16 October
1970**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 12 May 1971.*

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

**Accord relatif aux fonctionnaires. Signé à Suva le 16
octobre 1970**

Texte authentique: anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 12 mai 1971.*

PUBLIC OFFICERS AGREEMENT ¹ BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF FIJI

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

INTERPRETATION

Article 1

(1) In this Agreement—

- (a) “the appointed day” means the 10th October, 1970;
- (b) “conditions of service” means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an overseas officer relating to his tenure of office, disciplinary control, salary (including salary scales), pensionable allowances and passages;
- (c) “overseas officer” means an officer who, under the conditions of service applicable to him before the appointed day, was eligible for free passages from Fiji for the purpose of leave of absence upon the completion of a tour of duty and was before that day the substantive holder of a pensionable office in the Public Service of Fiji being a person—
 - (i) who was selected for or offered appointment to the Public Service of Fiji by a Secretary of State; or
 - (ii) whose appointment to the Public Service of Fiji 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 the Public Service of Fiji; or
 - (iv) who (although not an officer falling within heads (i), (ii) or (iii) of this sub-paragraph) is or has been a member of Her Majesty’s Overseas Civil Service or Her Majesty’s Overseas Judiciary, or

¹ Came into force on 16 October 1970 by signature, in accordance with article 9.

has been a member of a former Colonial Unified Service, or is or was a designated officer for the purposes of the Overseas Service (Fiji) Agreement 1962;

- (d) "officer" means an overseas officer or any other officer, not being a citizen of Fiji, who was before the appointed day the substantive holder of a pensionable office in the public service of Fiji.
- (e) "pension" means any pension, gratuity, compensation and interest thereon, retiring allowance or other like benefit payable by the Government of Fiji to or in respect of any officer or to the widow or child of any officer or their legal personal representatives, including any increase of pension, and any contributions repayable and interest payable to any officer under any law providing for payment of pensions to widows and children of officers.

(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.

(3) References in this Agreement to the widow or children of an officer shall be deemed to include a reference to the widow or child of any person in the Public Service of Fiji not being a citizen of Fiji.

CONDITIONS OF SERVICE

Article 2

The conditions of service applicable to an overseas officer who continues to be the substantive holder of a pensionable office in the Public Service of Fiji on or after the appointed day shall not be less favourable than those which were applicable to him immediately before the appointed day.

RETIREMENT AND PENSIONS

Article 3

The entitlement to retire and the eligibility to receive a pension of any officer who continues to be the substantive holder of a pensionable office in the Public Service of Fiji on or after the appointed day or of his widow, children, dependants or personal representatives shall be as provided for in the laws, regulations and administrative directions in force immediately

before the appointed day or in such other laws, regulations and administrative directions made thereafter as are not less favourable; and pensions shall be granted and paid to such officers, and other persons accordingly.

PRESERVATION OF PENSIONS

Article 4

The pension of any officer who ceased to be the substantive holder of a pensionable office, in the Public Service of Fiji before the appointed day, or of the widow, children, dependants or personal representatives of any such 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 the appointed day or in accordance with such other laws, regulations and administrative directions made thereafter that are not less favourable.

PAYMENT OF PENSIONS

Article 5

(1) A pension shall, at the option of the person to whom it is payable, be paid in any of the following countries:

- (a) in the United Kingdom;
- (b) in Fiji;
- (c) in the country from which the officer was recruited or where he intends to reside;
- (d) in the case of payment to the legal personal representatives of an officer or his dependants, in the country in which the legal personal representatives or the dependants, as the case may be, reside; or
- (e) in such other country as the officer or his personal representatives or dependants may, with the concurrence of the Fiji Government, select, in the currency of the country in which payment is made.

(2) An option exercised under paragraph (1) of this Article—

- (a) may 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 notice is received by the Secretary for Finance to the Government of Fiji.

(3) Pensions payable outside Fiji after the appointed day shall be paid in the currency of the country in which payment is to be made, and the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of the payment, the amount in sterling of the pension calculated as at the official rate of exchange prevailing on the appointed day: Provided that if there is a general revision of salaries consequent upon the revaluation of the currency in use in Fiji as a result of which the pensionable emoluments of an officer may be increased the Government of Fiji 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.

(4) 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.

INCREASE OF PENSIONS

Article 6

The Government of Fiji undertakes that, in any future schemes to increase pensions payable to any class or description of pensioner, there shall be no discrimination against officers or the widows or children of such officers.

OPTIONS

Article 7

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. APPEALS BOARD

Article 8

Section 14 (Appeals Board) of the Fiji Independence Order 1970 relating to benefits to which Section 110 of the Constitution of Fiji applies, that

may be granted or that may have been granted to or in respect of any member of the Public Service of Fiji, shall not be revoked or amended to the prejudice of the interests of any such member.

CITATION AND COMMENCEMENT

Article 9

This Agreement may be cited as the Public Officers (Fiji) Agreement 1970 and shall come into operation on the date of signature.

IN WITNESS WHEREOF the undersigned have signed this Agreement.

DONE in duplicate at Suva this 16th day of October, 1970.

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

J. R. WILLIAMS

For the Government
of Fiji:

K. K. T. MARA