

No. 12391

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

**Exchange of notes constituting an agreement concerning
officers designated by the Government of the United
Kingdom in the service of the Government of the
Kingdom of Lesotho. Maseru, 7 January 1971**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 30 March 1973.*

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

**Échange de notes constituant un accord relatif aux agents
affectés au service du Gouvernement du Royaume du
Lesotho par le Gouvernement du Royaume-Uni.
Maseru, 7 janvier 1971**

Texte authentique: anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 30 mars 1973.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF LESOTHO CONCERNING OFFICERS DESIGNATED BY THE GOVERNMENT OF THE UNITED KINGDOM IN THE SERVICE OF THE GOVERNMENT OF THE KINGDOM OF LESOTHO

I

The United Kingdom High Commissioner at Maseru to the Prime Minister and Minister of Foreign Affairs of Lesotho

BRITISH HIGH COMMISSION
MASERU.

7 January, 1971

My Dear Prime Minister,

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Lesotho relating to certain officers in the service of the Government of the Kingdom of Lesotho designated by the Government of the United Kingdom and to place on record the terms of the Agreement which was resolved:

1. The Government of the United Kingdom will make the reimbursements and payments, as specified in this agreement, to or in respect of officers in the public service of the Government of Lesotho who are designated by the Government of the United Kingdom in accordance with this Agreement (such officers hereinafter being referred to as "designated officers").

2. The Government of the United Kingdom and the Government of Lesotho will hold an annual review of the requirements that the Government of Lesotho may have as regards the employment of designated officers in the public service, so that the Government of the United Kingdom may in consultation with the Government of Lesotho, determine the classes or categories of officers, members of which the Government of the United Kingdom is prepared to designate, the number of officers in each such class or category which may be designated and the maximum sum that will be available during any specified period to meet the obligations of the Government of the United Kingdom under this Agreement. During such annual review the Government of Lesotho will provide the Government of the United Kingdom with such information as that Government may require in order to calculate the amounts payable by that Government and the number of officers to be designated during the ensuing period of twelve months.

3. An officer may be designated without limitation or for such period as may be specified in the designation; and the designation of an officer may be terminated at the discretion of the Government of the United Kingdom after consultation with the Government of Lesotho: Provided that the Government of the United Kingdom in exercise of the discretion to terminate the designation of an officer shall take into account the consequences that would follow if designation were to be terminated.

¹ Came into force on 1 April 1971, in accordance with paragraph 13.

4. The Government of the United Kingdom will reimburse the Government of Lesotho:

- (a) in the case of a designated officer serving on pensionable terms a sum equal to the inducement allowance paid to him by the Government of Lesotho, being an allowance taken into account in computing the pension for which such officer is eligible under the appropriate pension laws, at such annual rate as is specified by the Government of the United Kingdom less the sum agreed by that Government and the Government of Lesotho as being equivalent to the proceeds of taxation payable on that allowance;
- (b) one half of the aggregate amount paid by the Government of Lesotho in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 6 of this agreement) as the Government of Lesotho may, with the concurrence of the Government of the United Kingdom, prescribe.

5. The Government of the United Kingdom will, on behalf of the Government of Lesotho, pay direct to each designated officer (whether such officer is serving on contract or pensionable terms):

- (a) an inducement allowance, which in the case of an officer serving on pensionable terms is not taken into account in computing his pension, at such rate as may be specified from time to time by the Government of the United Kingdom;
- (b) any education allowance for which the officer may be eligible in respect of any child under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (c) any appointment grant for which the officer may be eligible on such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (d) that part of any gratuity payable to the officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph.

6. The Government of the United Kingdom will meet the cost of holiday passages for the children of a designated officer, that is to say, passages to enable children to visit their parents in Lesotho, on such terms and conditions and occasions and in respect of such children and at such rates and by such classes of accommodation as may be specified from time to time by the Government of the United Kingdom after consultation with the Government of Lesotho.

7. The allowances, grant and gratuity payable direct to a designated officer by the Government of the United Kingdom in accordance with the provisions of this Agreement will be paid into an account at a bank nominated by the officer situated in the United Kingdom or the Republic of Ireland or such other country as may be agreed by the Government of the United Kingdom.

8. The allowances, grant and gratuity paid direct by the Government of the United Kingdom to a designated officer shall be exempt from the payment of income tax under any law in force in Lesotho.

9. In the event of a designated officer being seconded from the employment of the Government of Lesotho without the concurrence of the Government of the United Kingdom, the Government of Lesotho will, if requested to do so by the Government of the United Kingdom, pay to that Government a sum equal to the total cost of the reimbursements and payments made by that Government in respect of that officer while so seconded.

10. The Government of Lesotho will provide each designated officer, within a reasonable time of his taking up employment with that Government, with accommodation agreed with the Government of the United Kingdom to be suitable to the rank and family circumstances of the officer at a rent reasonable in relation to his local basic salary, and basic furniture in good condition (as specified from time to time in agreement between the two Governments).

11. The Government of Lesotho will promptly inform the Government of the United Kingdom of any event which might affect the eligibility of a designated officer under this Agreement to receive payments from the Government of the United Kingdom.

12. The Government of Lesotho will, whenever requested to do so by the Government of the United Kingdom, supply to that Government such accounts and other information in connection with the operation of this Agreement as may be specified in such request.

13. This Agreement shall come into operation on 1st April 1971, and on 31st March 1971 the Overseas Service (Basutoland) Agreement 1962 (and the Agreement amending that Agreement) shall terminate.

14. This Agreement shall terminate, unless some other date is agreed between the Government of the United Kingdom and the Government of Lesotho on 31st March 1976.

2. If this letter correctly sets out the terms that have been agreed, I have the honour to suggest that this letter and your reply should be regarded as constituting an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Lesotho, which should be cited as the Overseas Service (Lesotho) Agreement 1971.

Yours sincerely,

H. G. M. BASS

II

*The Prime Minister and Minister of Foreign Affairs of Lesotho
to the United Kingdom High Commissioner at Maseru*

OFFICE OF THE PRIME MINISTER
MASERU

7th January 1971

Your Excellency,

I refer to your letter of today's date recording the terms which have been agreed between our two Governments relating to certain officers in the service of the Government of the Kingdom of Lesotho designated by the Government of the United Kingdom, which reads as follows:

[See note I]

2. I confirm that your letter correctly sets out the points agreed between our two Governments, and that your letter and this reply shall accordingly constitute an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Lesotho.

3. Accept, Your Excellency, the assurances of my highest consideration.

LEABUA JONATHAN
Prime Minister and Minister of Foreign Affairs
of the Kingdom of Lesotho