

No. 12397

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

**Exchange of notes constituting an agreement concerning
officers designated by the Government of the United
Kingdom in the Service of the Government of Malawi.
Blantyre and Zomba, 11 January 1972**

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
MALAWI**

**Échange de notes constituant un accord relatif aux agents
affectés au service du Gouvernement malawien par le
Gouvernement du Royaume-Uni. Blantyre et Zomba,
11 janvier 1972**

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 MALAWI CONCERNING OFFICERS DES-
IGNATED BY THE GOVERNMENT OF THE UNITED KING-
DOM IN THE SERVICE OF THE GOVERNMENT OF MALAWI

I

*The United Kingdom High Commissioner at Blantyre
to the Minister of Finance of Malawi*

BRITISH HIGH COMMISSION
BLANTYRE

11 January 1972

Sir,

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 Malawi as a result of which the following agreement was reached :

1. The Government of the United Kingdom will make reimbursements and payments as specified in this Agreement to or in respect of officers in the public service of the Government of Malawi 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 Malawi will hold annual reviews of the requirements that the Government of Malawi may have as regards the employment of designated officers in their public service, so that the Government of the United Kingdom may, in consultation with the Government of Malawi, 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 reviews the Government of Malawi 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.

3. The Government of the United Kingdom will reimburse the Government of Malawi :
(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 Malawi, 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 Malawi as being equivalent to the amount of taxation payable on that allowance;

¹ Came into force on 11 January 1972 by the exchange of the said notes, with retroactive effect from 1 April 1971, in accordance with their provisions.

- (b) in the case of a designated officer serving on contract terms a sum equal to the inducement allowance paid to him by the Government of Malawi at such rate as is specified by the Government of the United Kingdom less the sum agreed by that Government and the Government of Malawi as being equivalent to the amount of taxation payable on that allowance;
- (c) that part of any gratuity paid by the Government of Malawi to a designated officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph;
- (d) one half of the aggregate amount paid by the Government of Malawi in providing for designated officers and their dependent families passages on such occasion (not being occasions referred to in paragraph 5 of this Agreement) as the Government of Malawi may, with the concurrence of the Government of the United Kingdom, prescribe.

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

- (a) a special allowance at such rates 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 on 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) any allowance in respect of medical expenses for which the officer may be eligible under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom.

5. The Government of the United Kingdom will, to the same extent as heretofore, meet the cost of holiday visit passages for the children of a designated officer, that is to say, passages to enable children to visit their parents.

6. With effect from such date as the Government of the United Kingdom may agree with the Government of Malawi the Government of the United Kingdom will cease making the reimbursements referred to in paragraph 3 (b) and 3 (c) and the payments referred to in paragraph 4 (a) of this letter, and in lieu thereof will, on behalf of the Government of Malawi, pay direct to each designated officer (whether such officer is serving on contract or pensionable terms and whether or not he is serving on secondment from any other employer):

- (a) in the case of an officer serving on contract, an inducement allowance, and in the case of an officer serving on pensionable terms, an inducement supplement which is not taken into account in computing his pension, at such rates as may be specified from time to time by the Government of the United Kingdom;
- (b) that part of any gratuity payable to a designated officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph.

7. Any allowance, 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 and the value of the passages referred to in paragraphs 3 (d) and 5 shall be exempt from the payment of income tax under any law in force in Malawi.

9. The Government of the United Kingdom may prescribe the classes or categories of officers the 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 United Kingdom under this Agreement.

10. An officer may be designated generally or for such period as may be specified in the designation; and the designation may provide that an officer shall cease to be designated on the happening of a specified event or at the discretion of the Government of the United Kingdom. Particulars of an officer's designation will be communicated to the Government of Malawi. In the event of a designated officer being seconded from the employment of the Government of Malawi without the agreement of the two Governments concerned, the Government of Malawi will, if requested to do so by the Government of the United Kingdom, pay to the Government of the United Kingdom a sum equal to the total cost of the reimbursements and payments made by the Government of the United Kingdom in respect of that officer while so seconded.

11. The Government of Malawi will provide each designated officer, within 10 days of his taking up employment with the Government or such longer period as may be agreed between the Government of Malawi and the Government of the United Kingdom, with accommodation and basic furnishings in good condition and 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.

12. In order to obviate overpayments by the Government of the United Kingdom, the Government of Malawi will inform the Government of the United Kingdom of any event which might affect the obligations of the Government of the United Kingdom under this Agreement to make payment to a designated officer; and if the Government of Malawi fail to comply with this paragraph and that failure results in the Government of the United Kingdom making an overpayment to an officer, the Government of Malawi will reimburse the Government of the United Kingdom the whole or any part of that overpayment which cannot be recovered from the officer.

13. The Government of Malawi 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.

14. This Agreement shall be deemed to have come into operation on the first day of April 1971 and to have replaced the Overseas Service (Malawi) Agreement 1961 (and the Agreements amending that Agreement) and the British-Aided Conditions of Service Agreement dated 21st November 1966,¹ which expired on 31st March 1971.

15. This Agreement shall terminate, unless some other agreement is agreed between the two Governments of the United Kingdom and of Malawi, on 31st March 1976.

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 Malawi and should be cited as the Overseas Service (Malawi) Agreement, 1971.

I have the honour to remain, Sir, Your obedient Servant,

W. R. HAYDON
High Commissioner

¹ United Nations, *Treaty Series*, vol. 637, p. 329.

II

*The Minister of Finance of Malawi to the United Kingdom
High Commissioner at Blantyre*

Zomba, 11th January, 1972

Sir,

I have the honour to thank you for your letter dated 11th January, 1972, which reads as follows :

[*See note I*]

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 Malawi.

I have the honour to be, Your Excellency, Your obedient Servant,

ALEKE K. BANDA
Minister of Finance
