

No. 12396

**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 specified organisations or institutions in Malawi (with annexes). Zomba, 27 and 29 March 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
MALAWI**

Échange de notes constituant un accord relatif aux agents affectés au service de certaines organisations ou institutions malawiennes par le Gouvernement du Royaume-Uni (avec annexes). Zomba, 27 et 29 mars 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 MALAWI CONCERNING OFFICERS DES-
IGNATED BY THE GOVERNMENT OF THE UNITED KING-
DOM IN THE SERVICE OF SPECIFIED ORGANISATIONS
OR INSTITUTIONS IN MALAWI

I

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

BRITISH HIGH COMMISSION
ZOMBA

27 March, 1971

Sir,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malawi dated 30 March, 1967, relating to certain staff in the service of the University of Malawi and such other organisations as may be jointly agreed and to discussions which have taken place between our two governments about such staff and to place on record the terms of the Agreement which has been resolved.

1. The Government of the United Kingdom will, with the concurrence of the Government of Malawi, provide assistance under the authority and provisions of the British Government's Overseas Development and Service Act 1965 upon the terms and conditions set out in the first annex to this letter and in respect of British Staff in the service of an organisation or institution listed in the second annex to this letter (hereinafter referred to as "the employing authorities"). The second annex to this letter may, by agreement between the Government of the United Kingdom and the Government of Malawi, be varied or amended from time to time by adding thereto or deleting therefrom the name of any organisation or institution.

2. Any emoluments, allowances, grants, supplements or gratuities paid by the Government of the United Kingdom to staff designated under this Agreement in respect of duties performed in Malawi shall be exempt from the payment of tax under any law for the time being in force in Malawi provided that the person concerned is resident in Malawi solely for the purpose of performing such duties.

3. This Agreement shall come into operation on 1 April, 1971, and shall terminate, unless some other date is agreed between the Government of the United Kingdom and the Government of Malawi, on 31 March, 1976.

¹ Came into force on 1 April 1971, in accordance with paragraph 3.

If this letter and its annexes correctly sets out the terms that have been agreed, I have the honour to suggest that these should, with effect from 1 April, 1971, replace the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malawi under the Overseas Development and Service Act 1965 and dated 30 March, 1967, and should be cited as the British Expatriates Supplementation (Malawi) Agreement 1971.

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

H. M. S. REID

FIRST ANNEX

TERMS AND CONDITIONS

1. The Government of the United Kingdom will make the payments specified in this annex to staff in the service of an employing authority who are designated by the Government of the United Kingdom in accordance with this Agreement (hereinafter referred to as "designated officers").

2. The Government of the United Kingdom will pay, on behalf of the employing authority, to each designated officer :

- (a) any salary supplement for which such officer may be eligible at such rates as may be specified from time to time by the Government of the United Kingdom;
- (b) any education allowance for which such designated 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 to which such 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 an officer which accrues to him by virtue of the addition to his emoluments of the salary supplement referred to in this paragraph;
- (e) any allowances 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.

3. The Government of the United Kingdom will meet the cost of holiday passages for the children of a designated officer to enable them to visit their parents in Malawi, 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.

4. The Government of the United Kingdom will reimburse the employing authority any employer's superannuation contribution which with the concurrence of the Government of the United Kingdom is paid by the employing authority in lieu of gratuity and which is attributable to any salary supplement paid to a designated officer in accordance with paragraph 2(a).

5. Payments by the Government of the United Kingdom under paragraph 2 above will be made into an account at a bank outside Malawi nominated by the officer and situated in Britain or Ireland or such other country as may be agreed by the Government of the United Kingdom.

6. The employing authority will provide the Government of the United Kingdom with such information as that Government may require in connection with the operation of this Agreement.

7. The employing authority 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.

8. Whenever the employing authority wishes to renew the contract of a designated officer or to recruit an officer who may be eligible for designation, that authority will consult the Government of the United Kingdom and that Government will inform the authority whether or not the officer's designation may be continued, or the officer designated as the case may be, in accordance with this Agreement.

9. The Government of the United Kingdom and each employing authority will hold periodic reviews of the requirements that the employing authority may have as regards the employment of designated officers in their service, so that the Government of the United Kingdom may determine the classes and numbers of officers whom the Government of the United Kingdom is prepared to designate. During such reviews the employing authority 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.

10. An officer may be designated generally 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; 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 terminated.

SECOND ANNEX

LIST OF ORGANISATIONS AND INSTITUTIONS

University of Malawi

II

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

Zomba, 29 March, 1971

Sir,

I have to acknowledge receipt of your letter of 27 March, 1971, setting out the terms of the British Expatriates Supplementation (Malawi) Agreement 1971, to come into operation on 1 April, 1971, and to terminate, unless some other date is agreed between the Government of the United Kingdom and the Government of the Republic of Malawi, on 31 March, 1976.

I have to confirm that your letter and its appendices correctly set out the terms that have been agreed between our two Governments and I agree that these should replace the Agreement between the Government of the United Kingdom and Northern Ireland and the Government of Malawi under the Overseas Development and Service Act 1965 and dated 30 March, 1967. My Government further agrees that your letter and this reply should be cited as the British Expatriates Supplementation (Malawi) Agreement 1971.

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

ALEKE K. BANDA
Minister of Finance