

No. 12975

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

**Exchange of notes constituting an agreement concerning
officers designated by the Government of the United
Kingdom in the service of the Government of Tonga.
Nuku'alofa, 21 March and 24 April 1973**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 18 January 1974.*

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

**Échange de notes constituant un accord relatif aux agents
affectés au service du Gouvernement tongan par le
Gouvernement du Royaume-Uni. Nukualofa, le
21 mars et 24 avril 1973**

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 18 janvier 1974.*

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 TONGA CONCERNING OFFICERS DESIGNATED BY THE GOVERNMENT OF THE UNITED KINGDOM IN THE SERVICE OF THE GOVERNMENT OF TONGA

I

*The United Kingdom High Commissioner at Nuku'alofa
to the Secretary to the Government of Tonga*

BRITISH HIGH COMMISSION
NUKU'ALOFA

21 March 1973

Sir,

I have the honour to refer to the correspondence between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Tonga relating to certain officers in the service of the Government of Tonga 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 Tonga 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 may, in consultation with the Government of Tonga 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.

3. 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 to be terminated.

4. The Government of the United Kingdom will reimburse the Government of Tonga one-half of the aggregate amount paid by that Government 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 that Government may, with the concurrence of the Government of the United Kingdom, prescribe.

¹ Came into force on 24 April 1973 by the exchange of the said notes, with retroactive effect from 1 April 1971, in accordance with their provisions.

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

- (a) an inducement allowance 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, to the same extent as heretofore, 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 Tonga, 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.

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 and 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 Tonga.

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

10. In the event of a designated officer being seconded from the employment of the Government of Tonga without the concurrence of the Government of the United Kingdom, the Government of Tonga 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 payment made by that Government in respect of that officer whilst so seconded.

11. The Government of Tonga will provide each designated officer, within a reasonable time of his taking up employment with that Government, 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 rate reasonable in relation to his basic salary.

12. The Government of Tonga 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.

13. The Government of Tonga 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 1 April 1971 and the Overseas Service (Tonga) Agreement 1963 to have terminated on 31 March 1971.

15. This Agreement shall terminate, unless some other date is agreed between the Governments of the United Kingdom and of Tonga on 31 March 1976.

2. If this note correctly sets out the terms that have been agreed, I have the honour to suggest that this note 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 Tonga and should be cited as the Overseas Service (Tonga) Agreement 1971.

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

H. A ARTHINGTON-DAVY
High Commissioner

II

*The Acting Secretary to the Government of Tonga to the United Kingdom
High Commissioner at Nuku'alofa*

PRIME MINISTER'S OFFICE
NUKU'ALOFA, TONGA

24 April 1973

Sir,

I have the honour to acknowledge receipt of your note dated 21 March 1973, setting out the terms that have been agreed between the Government of Tonga and the Government of the United Kingdom of Great Britain and Northern Ireland relating to certain officers in the Service of the Tonga Government designated by the United Kingdom Government under the terms of the Overseas Service Aid Agreement.

2. I have the honour to confirm that the terms of the Agreement set out in your note are acceptable to the Government of Tonga, and therefore agree that your note and this reply should be regarded as constituting an agreement between the Government of Tonga and the Government of the United Kingdom which should be cited as the Overseas Service (Tonga) Agreement, 1971 and shall be deemed to have come into operation on 1 April 1971.

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

ZAKARIAN
Acting Secretary to Government