

SWAZILAND



Treaty Series No. 124 (1972)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Kingdom of Swaziland
concerning Officers designated by the
Government of the United Kingdom in
the Service of the Government of the
Kingdom of Swaziland

(The Overseas Service (Swaziland) Agreement 1971)

Mbabane, 24 February/11 March 1971

[The Agreement entered into force on 1 April 1971]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 1972*

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EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE KINGDOM OF SWAZILAND
CONCERNING OFFICERS DESIGNATED BY THE GOVERNMENT
OF THE UNITED KINGDOM IN THE SERVICE OF THE
GOVERNMENT OF THE KINGDOM OF SWAZILAND

No. 1

*The United Kingdom High Commissioner at Mbabane to the Prime
Minister of Swaziland*

(6/2/3)

*British High Commission,
Mbabane.*

24 February, 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 Swaziland relating to certain officers in the service of the Government of Swaziland 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 reimbursements and payments, as specified in this agreement, to or in respect of officers in the public service of the Government of Swaziland 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 Swaziland will hold annual reviews of the requirements that the Government of Swaziland 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 Swaziland, 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 Swaziland 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. 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 Swaziland :

- (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 Swaziland, 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 Swaziland as being equivalent to the proceeds of taxation payable on that allowance;
- (b) one half of the aggregate amount paid by the Government of Swaziland 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 Swaziland may, with the concurrence of the Government of the the United Kingdom, prescribe.

5. The Government of the United Kingdom will, on behalf of the Government of Swaziland, 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 children 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 terminal gratuity payable to the officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in sub-paragraph (a) of 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 Swaziland, or alternatively passages to enable a parent to visit them, on such terms and conditions and occasions 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 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 Swaziland.

9. In the event of a designated officer being seconded from the employment of the Government of Swaziland without the concurrence of the Government of the United Kingdom, the Government of Swaziland 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 whilst so seconded.

10. The Government of Swaziland 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 suitable to the rank and family circumstances of the officer at a rent reasonable in relation to his basic salary.

11. The Government of Swaziland 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 Swaziland 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 (Swaziland) Agreement 1962 (and the Agreement amending that agreement)⁽¹⁾ shall terminate.

14. This Agreement shall terminate, unless some other date is agreed between the Government of the United Kingdom and of Swaziland 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 Swaziland and should be cited as the Overseas Service (Swaziland) Agreement 1971.

ALAN ELGAR

*for P. Gautrey
High Commissioner*

(1) Not published in Treaty Series.

No. 2

*The Prime Minister of Swaziland to the United Kingdom High Commissioner
at Mbabane*

*Government House,
Mbabane.*

11th March, 1971

My dear High Commissioner,

I thank you for your letter (6/2/3) of the 24th February, 1971, in which you record the terms of the agreement by which the Government of the United Kingdom of Great Britain and Northern Ireland will designate certain officers for service with the Government of the Kingdom of Swaziland and that such agreement shall come into operation on 1st April, 1971, and, unless some other date is agreed by our two Governments, shall terminate on 31st March, 1976.

I confirm that your above-quoted letter correctly sets out the terms which have been previously agreed by us and that your letter and this 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 Swaziland and that it should be cited as the Overseas Service (Swaziland) Agreement 1971.

Yours sincerely

M. J. DLAMINI

Prime Minister

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