



Treaty Series No. 22 (1977)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Kingdom of Swaziland
amending and extending the Overseas
Service (Swaziland) Agreement 1971

(The Overseas Service (Swaziland) Agreement 1976)

Mbabane, 8 June/28 October 1976

[The Exchange of Notes was deemed to have entered into force on 1 April 1976]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 1977*

LONDON

HER MAJESTY'S STATIONERY OFFICE

25p net

**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE KINGDOM OF SWAZILAND
AMENDING AND EXTENDING THE OVERSEAS SERVICE
(SWAZILAND) AGREEMENT 1971**

No. 1

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

TAS 093/20

*British High Commission,
Mbabane.*

Your Excellency,

8 June 1976.

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 Swaziland relating to the extension and amendment of the Overseas Service (Swaziland) Agreement 1971,⁽¹⁾ and to place on record the revised terms of the Agreement which were 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 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

(1) Treaty Series No. 124 (1972), Cmnd. 5130.

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) 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 United Kingdom, prescribe. Passages for designated officers and their dependent families should be, where available, by British carrier and where practicable by excursion or charter flight.
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) a salary supplement, 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 salary supplement referred to in sub-paragraph (a) of this paragraph;
 - (e) medical expenses necessarily incurred on treatment not available under the local health service at such rates as may be specified from time to time by the Government of the United Kingdom.
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 Swaziland, or

alternatively passages to enable one 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 salary supplement, allowance, grant, gratuity and medical expenses 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 salary supplement, allowance, grant, gratuity and medical expenses 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 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 while 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 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 be deemed to have come into operation on 1 April 1976 and on 31 March 1976 the Overseas Services (Swaziland) Agreement 1971 shall be deemed to have been terminated.
14. This agreement shall terminate, unless some other date is agreed between the Governments of the United Kingdom and of Swaziland on 31 March 1981.

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 Swaziland and should be cited as the Overseas Service (Swaziland) Agreement 1976.

I have the honour to be,

Your Excellency's obedient Servant,

JOHN MILES

No. 2

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

*Government House,
Mbabane.*

Your Excellency,

28 October 1976.

I have the honour to refer to your letter TAS 093/20 of 8 June 1976 in which you record the revised terms of the Overseas Service (Swaziland) Agreement 1971.

I confirm that your letter correctly sets out the terms which have been agreed between our Governments 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 1976.

Yours sincerely,

MAPHEVU H. DLAMINI

Prime Minister

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB

13a Castle Street, Edinburgh EH2 3AR

41 The Hayes, Cardiff CF1 1JW

Brazennose Street, Manchester M60 8AS

Southey House, Wine Street, Bristol BS1 2BQ

258 Broad Street, Birmingham B1 2HE

80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*