



Treaty Series No. 30 (1977)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Kingdom of Lesotho

concerning Officers designated by the
Government of the United Kingdom
in the Service of specified Organisations
or Institutions in Lesotho

(The British Expatriates Supplementation (Lesotho)
Agreement 1976)

Maseru, 2 August 1976

[The Agreement is 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
April 1977*

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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 LESOTHO
CONCERNING OFFICERS DESIGNATED BY THE GOVERNMENT
OF THE UNITED KINGDOM IN THE SERVICE OF SPECIFIED
ORGANISATIONS OR INSTITUTIONS IN LESOTHO**

No. 1

*The United Kingdom High-Commissioner at Maseru to the Minister of
Foreign Affairs of Lesotho*

*British High Commission,
Maseru.*

Your Excellency,

2 August 1976.

I have the honour to refer to the exchange of letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Registrar of the University of Botswana, Lesotho and Swaziland dated December 1969,⁽¹⁾ relating to assistance towards certain staff in the service of that University, to the National University Act 1975 of Lesotho, and to discussions which have taken place between the Government of the United Kingdom and the Government of Lesotho concerning the continuance of that assistance, and to place on record the terms of the agreement which have been resolved.

1. The Government of the United Kingdom shall, with the concurrence of the Government of Lesotho, 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 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 authority"). The second Annex to this letter may, by agreement between the Government of the United Kingdom and the Government of Lesotho, be varied or amended from time to time by adding thereto or deleting therefrom the name of an 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 Lesotho shall be exempt from the payment of tax under any law for the time being in force in Lesotho provided that the person concerned is resident in Lesotho solely for the purpose of performing such duties.

3. This Agreement shall come into operation on 1 April 1976 and shall terminate, unless some other date is agreed between the Government of the United Kingdom and the Government of Lesotho, on 31 March 1981.

(1) Not published.

If this letter and its Annexes correctly set out the terms that have been agreed, I have the honour to propose that this letter and your reply shall constitute an Agreement between our two Governments which shall enter into force from 1 April 1976, and shall be cited as the British Expatriates Supplementation (Lesotho) Agreement 1976.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

R. H. HOBDEN

FIRST ANNEX

Terms and Conditions

1. The Government of the United Kingdom will make the payments specified in this annex to staff who are designated by the Government of the United Kingdom as herein mentioned (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 allowance in respect of medical expenses not available under Lesotho Health Services 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 reimburse the employing authority the amount paid by the employing authority in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 4 of this Annex) as the Government of Lesotho may, with the prior 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.

4. 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 Lesotho, 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.

5. Payments by the Government of the United Kingdom under paragraph 2 above will be made into an account at a bank nominated by the officer and situated in Great 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 the 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 will take into account the consequences that would follow if designation were terminated.

SECOND ANNEX

List of Organisations and Institutions

National University of Lesotho incorporated by virtue of the provisions of the National University Act 1975.

No. 2

*The Prime Minister and Acting Minister of Foreign Affairs of Lesotho
to the United Kingdom High Commissioner at Maseru*

Maseru,

2 August 1976.

Your Excellency the British High Commissioner to the Kingdom of Lesotho,

I thank you for your Note of 2 August 1976, together with its Appendices, which reads as follows:

[As in No. 1]

In reply, I confirm that the foregoing is acceptable to the Government of the Kingdom of Lesotho, who therefore agree that your letter, with its Annexes, and this reply shall constitute an Agreement between the two Governments which shall be deemed to have entered into force as from 1 April 1976, and shall be cited as the British Expatriates Supplementation (Lesotho) Agreement 1976.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

LEABUA JONATHAN

*Prime Minister and
Acting Minister of Foreign Affairs.*

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