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MINISTRY OF OVERSEAS DEVELOPMENT

Public Officers' Agreement between  
Her Majesty's Government  
in the United Kingdom and the  
Government of the Gambia

*Presented to Parliament by the Minister of Overseas Development  
by Command of Her Majesty  
May 1965*

LONDON  
HER MAJESTY'S STATIONERY OFFICE

NINEPENCE NET

Cmnd. 2661

**PUBLIC OFFICERS AGREEMENT BETWEEN HER MAJESTY'S  
GOVERNMENT IN THE UNITED KINGDOM AND  
THE GOVERNMENT OF THE GAMBIA**

Her Majesty's Government in the United Kingdom and the Government of the Gambia have agreed as follows :—

*Interpretation*

1. (1) In this Agreement—

- (a) "the appointed day" means the 18th day of February, 1965 or such other date as may be set for the attainment of Independence for the Gambia ;
- (b) "conditions of service" means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an overseas officer relating to his tenure of office, disciplinary control, salary (including salary scales), pensionable allowances and passages ;
- (c) "overseas officer" means an officer whose conditions of service before the appointed day included an entitlement to free passages from the Gambia for the purpose of leave of absence upon the completion of a tour of duty and who was before that day the substantive holder of a pensionable office in the Public Service of The Gambia being a person—
  - (i) who was selected for or offered appointment to the Public Service of The Gambia by a Secretary of State ; or
  - (ii) whose appointment to the Public Service of The Gambia was approved by a Secretary of State ; or
  - (iii) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in the Public Service of The Gambia ; or
  - (iv) who (although not an officer falling within heads (i), (ii), or (iii) of this sub-paragraph) is or has been a member of Her Majesty's Oversea Civil Service or Her Majesty's Oversea Judiciary, or has been a member of a former Colonial Unified Service, or is or was a designated officer for the purposes of the Oversea Service (Gambia) Agreement 1961 ;
- (d) "pension" means any pension, gratuity, compensation and interest thereon, retiring allowance or other like benefit payable by the Government of The Gambia to or in respect of any overseas officer or to the widow or child of any overseas officer or their legal personal representatives, including any increase of pension, and any contributions repayable and interest payable to any officer under any law providing for payment of pensions to widows and children of officers.

(2) "Substantive holder" in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in the office for a specified term under a contract.

### *Conditions of Service*

2. The conditions of service applicable to an overseas officer who continues to be the substantive holder of a pensionable office in the Public Service of The Gambia on or after the appointed day shall not be less favourable than those which were applicable to him immediately before the appointed day.

### *Retirement and Pensions*

3. The entitlement to retire and the eligibility to receive a pension of any overseas officer who continues to be the substantive holder of a pensionable office in the Public Service of The Gambia on or after the appointed day and of the eligibility of his widow, children, dependants or personal representatives to receive a pension shall be as provided for in the laws, regulations and administrative directions in force immediately before the appointed day or in such other laws regulations and administrative directions made thereafter as are not less favourable ; and pensions shall be granted and paid to such officers and other persons accordingly.

### *Preservation of Pensions*

4. The pension of any overseas officer who has ceased to be the substantive holder of a pensionable office in the Public Service of The Gambia before the appointed day, or of the widow, children dependants or personal representatives of any such officer, shall be granted and paid, or if granted before that date shall continue to be paid, in accordance with the laws, regulations and administrative directions governing those pensions immediately before the appointed day or in accordance with such other laws, regulations and administrative directions made thereafter as are not less favourable.

### *Payment of Pensions*

5.—(1) A pension shall, at the option of the person to whom it is payable, be paid either in The Gambia or in the country in which he is residing or in any other country to which he had an entitlement to a free passage for the purpose of leave of absence upon the completion of a tour of duty as may from time to time be requested by him in writing.

(2) An option exercised under paragraph (1) of this Article—

(a) may be revoked at any time and a fresh option be exercised ;

(b) shall be exercised or revoked by notice in writing ;

(c) shall take effect on the first day of the next succeeding month, or at the person's election on the first day of any subsequent month after the date on which the notice is received by the Accountant General.

(3) Pensions payable outside The Gambia after the appointed day shall be paid in the currency of the country in which payment is to be made, and the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of the payment, the amount in sterling of the pension calculated as at the official rate of exchange prevailing on the appointed day :

Provided that if there is a general revision of salaries consequent upon the revaluation of the currency in use in The Gambia as a result of which the pensionable emoluments of an overseas officer may be increased the Government of The Gambia may require that officer to agree that any pension that may be granted to him shall be calculated at the rate of exchange prevailing at the date of the revision of salaries before granting him the benefit of the increase of pensionable emoluments.

(4) Where the person to whom a pension is payable is a minor, his or her lawful guardian may exercise the option conferred by this paragraph.

#### *Increase of Pensions*

6. The Government of The Gambia undertakes that, in future schemes to increase pensions payable to any class or description of pensioner, there shall be no discrimination against overseas officers or the widows or children of such officers:

Provided that this undertaking shall not apply to any increase granted to local pensioners by the Government of The Gambia to meet a change in the cost of living in The Gambia to the extent that that change is agreed by the two Governments to be attributable solely to the process of assimilating the economy of The Gambia to that of the Senegal as part of a closer association between those two countries.

#### *Options*

7. For the purposes of this Agreement, in so far as the law, regulations or administrative directions applicable to the grant of a pension or to other conditions of service depends on the option of the person to or in respect of whom the pension is granted or is to be granted, or of the officer to whom the conditions of service apply, the law, regulations or administrative directions for which such person or officer opts shall be taken to be more favourable to him than any other law, regulation or administrative direction for which he might have opted.

#### *Officers in H.M.O.C.S. and H.M.O.J.*

8. (1) Overseas officers who are members of Her Majesty's Oversea Civil Service or Her Majesty's Oversea Judiciary shall continue to be eligible for consideration by Her Majesty's Government in the United Kingdom for transfer or promotion to employment in the Public Service of some other territory.

(2) The Government of The Gambia shall comply with any reasonable request that may at any time be made by Her Majesty's Government in the United Kingdom for the release of an overseas officer for transfer or promotion in pursuance of paragraph (1) of this Article and shall take any action that may be necessary to preserve his pension rights when he is transferred or promoted.

(3) Before he is released an overseas officer shall be required to make arrangements satisfactory to the Government of The Gambia for the repayment to that Government of any compensation or instalments of compensation he may be required to make under The Gambia (Compensation and Retiring Benefits) Order 1964, but not of any interest paid on outstanding instalments.

*Appeals Board*

9. Section 9 (Appeals Board) of the Gambia Independence Order 1965 relating to benefits, to which Section 113 of the Constitution applies, that may or that may have been granted to or be granted in respect of any overseas officer, shall not be revoked or amended to the prejudice of the interests of any such officer.

*Citation and Commencement*

10. This Agreement may be cited as the Public Officers' (The Gambia) Agreement, 1965, and shall come into operation on the date of signature.

Done in duplicate at Bathurst this 22nd day of February, 1965.

Signed on behalf of Her Majesty's Government in the United Kingdom.

G. E. CROMBIE,  
*High Commissioner.*

Signed on behalf of the Government of The Gambia.

D. K. JAWARA,  
*Prime Minister.*