

ZAMBIA



Treaty Series No. 6 (1982)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Zambia

constituting the
British Expatriates Supplementation
(Zambia) Agreement 1981

Lusaka, 19 March/14 August 1981

[The Agreement entered into force on 1 April 1981]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1982*

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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 REPUBLIC OF ZAMBIA CONSTITUTING
THE BRITISH EXPATRIATES SUPPLEMENTATION (ZAMBIA)
AGREEMENT 1981**

No. 1

*The United Kingdom High Commissioner at Lusaka to the Secretary to the
Cabinet of Zambia*

*British High Commission
Lusaka*

19 March 1981

Dear Mr. Willima

British Expatriates Supplementation Scheme Agreement 1981

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 Republic of Zambia relating to certain staff in the service of organisations or institutions specified in the First Annex to this Note (hereinafter referred to as "the employing authorities") and to place on record the terms of the Agreement which was reached.

1. The Government of the United Kingdom shall provide assistance in respect of officers in the service of the employing authorities who are designated by the Government of the United Kingdom (such officers hereinafter being referred to as "designated officers") upon the terms and conditions set out in the Second Annex to this Note. The First Annex to this Note may, by agreement between the Government of the United Kingdom and the Government of the Republic of Zambia, be varied or amended from time to time by adding thereto or deleting therefrom the name of any organisation or institution.

2. Any salary supplement, allowance, grant or costs paid by the Government of the United Kingdom to or in respect of staff designated under this Agreement in respect of duties performed in Zambia shall be exempt from the payment of tax under any law for the time being in force in Zambia, provided that the person concerned is resident in Zambia solely for the purpose of performing such duties.

3. This Agreement shall replace the British Expatriates Supplementation (Zambia) (Continuance) Agreement 1971/76⁽¹⁾, as amended by the British Expatriates Supplementation (Zambia) (Continuance) Agreement 1971/76 (Amendment) 1976⁽²⁾ and the British Expatriates Supplementation (Zambia) Agreements 1971-76 (Amendment) 1979⁽³⁾.

(1) Treaty Series No. 75 (1976), Cmnd. 6562.

(2) Treaty Series No. 108 (1976), Cmnd. 6686.

(3) Treaty Series No. 11 (1981), Cmnd. 8162.

4. This Agreement shall terminate, unless otherwise agreed between the Government of the United Kingdom and the Government of the Republic of Zambia, on 31 March 1986.

If this Note, and its Annexes, correctly set out the terms of the Agreement, I have the honour to propose that this Note and your reply in that sense shall constitute an Agreement between our two Governments which shall enter into force on 1 April 1981 and shall be cited as the British Expatriates' Supplementation (Zambia) Agreement 1981.

Yours sincerely

JOHN JOHNSON

List of Organisations and Institutions :

(a) University of Zambia

(b) Local Government Authorities as follows :

Lusaka City Council
Ndola City Council
Kitwe City Council
Mufulira Municipal Council
Luanshya Municipal Council
Chingola Municipal Council
Kabwe Municipal Council
Livingstone Municipal Council

(c) Parastatal Organisations as follows :

Bank of Zambia
National Council for Scientific Research
Zambia Electricity Supply Corporation Limited
Zambia National Energy Corporation
Tazama Pipelines Limited
National Agricultural Marketing Board of Zambia
Zambia Flying Doctor Service
National Milling Company Limited
Rural Air Services Limited
National Housing Authority
Zambia Horticultural Products Limited
Tobacco Board of Zambia
Supa Baking Company Limited
Lusaka Engineering Company Limited (LENCO)
Kabwe Industrial Fabrics Limited (KIF)
Chilanga Cement Limited
Metal Fabricators of Zambia Limited (ZAMEFA)
Zambia Clay Industries Limited
Consolidated Tyre Services Limited (CTS)
INDECO Milling Company Limited
Zambezi Sawmills (1968) Limited
Zambia Sugar Company Limited
Development Bank of Zambia
United Bus Company of Zambia
Dairy Produce Board of Zambia
Rural Development Corporation
Post and Telecommunications Corporation
National Hotels Development Corporation
Kafue Textiles of Zambia Limited
INDECO Headquarters
ZIMCO Headquarters
Zambia Oxygen Limited
National Import and Export Corporation
Zambia State Insurance Corporation

SECOND ANNEX

1. The Government of the United Kingdom shall make the payments and reimbursements specified in this Annex to or in respect of officers in the service of an employing authority 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 shall, on behalf of the employing authority, pay direct to each designated officer to the extent to which he may be eligible and under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom:

- (a) a salary supplement;
- (b) an education allowance in respect of any child;
- (c) an appointment grant;
- (d) the costs of medical (including dental) expenses.

3. The Government of the United Kingdom shall meet the cost of holiday visit passages for the dependent children of a designated officer to enable them to visit their parents in Zambia on such terms and conditions and occasions and in respect of such dependent 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.

4. The Government of the United Kingdom shall reimburse the employing authority the aggregate amount paid by the authority in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 3 of this Annex) as the Government of the Republic of Zambia may, with the concurrence of the Government of the United Kingdom, prescribe. Passages shall be, where available, by British carriers and, where practicable, by charter flights or on an excursion or other cheap rate tariff.

5. Payments by the Government of the United Kingdom under paragraph 2 of this Annex shall be made into an account at a bank nominated by the designated 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.

6. The Government of the Republic of Zambia shall ensure that the employing authority provides each designated officer within six weeks of his arrival in Zambia with accommodation and basic furnishings of reasonable standard appropriate to the rank and family circumstances of the officer at a rent reasonable in relation to his local basic salary.

7. The Government of the Republic of Zambia shall ensure that the employing authority, whenever requested to do so by the Government of the United Kingdom, provides that Government with such accounts and other information in connection with the operation of this Agreement as may be specified in such request.

8. In the event of a designated officer being seconded from the employment of the employing authority to the public service of the Government of the Republic of Zambia without the concurrence of the Government of the United Kingdom, the Government of the Republic of Zambia shall, 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 payments and reimbursements made by that Government to or in respect of that officer whilst so seconded.

9. In order to avoid over-payments by the Government of the United Kingdom, the Government of the Republic of Zambia shall ensure that each employing authority immediately informs the Government of the United Kingdom of any event which might affect the obligations of the Government of the United Kingdom to make payments to or in respect of a designated officer; and if the employing authority should fail to comply with this paragraph and that failure results in the Government of the United Kingdom making an over-payment to an officer, the Government of Zambia shall, unless the failure arose in circumstances beyond the control of the employing authority, reimburse the Government of the United Kingdom the whole of that over-payment. The Government of the United Kingdom shall, however, return to the Government of the Republic of Zambia any money recovered from the officer in respect of such over-payment, less the costs of recovery.

10. Whenever an employing authority wishes to renew the contract of a designated officer, or to recruit an officer who may be eligible for designation, that authority shall consult the Government of the United Kingdom who shall 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.

11. 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 exercising such discretion shall take into account the consequences that might follow.

12. The Government of the United Kingdom and each employing authority shall 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, in consultation with the Government of the Republic of Zambia, may determine the categories and numbers of officers whom the Government of the United Kingdom is prepared to consider designating. During such reviews the employing authority shall provide the Government of the United Kingdom with such information as that Government may require in order to calculate the amounts which may be payable by that Government and the number of officers who may be designated.

No. 2

*The Secretary to the Cabinet of Zambia to the United Kingdom
High Commissioner at Lusaka*

*Cabinet Office
Lusaka
14 August 1981*

Dear Mr. Johnson

The British Expatriates Supplementation (Zambia) Agreement 1981

I have the honour to acknowledge receipt of your Note of 19th March, 1981 concerning the British Expatriates Supplementation (Zambia) Agreement 1981 which reads as follows:—

[As in No. 1]

2. In reply, I am pleased to inform you that the Agreement is acceptable to the Government of the Republic of Zambia. This reply which supersedes my replies of 27th March, 1981 and 30th March, 1981 should be taken as constituting an Agreement between our two Governments in the above matter.

Yours sincerely,

E. I. L. WILLIMA