



Treaty Series No. 49 (1968)

Public Officers Agreement
between the Government of the
United Kingdom of Great Britain and
Northern Ireland and
the Government of Mauritius

Port Louis, 12 March 1968

[The Agreement entered into force on signature]

*Presented to Parliament by the Secretary of State for Commonwealth Affairs
by Command of Her Majesty
June 1968*

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

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

Interpretation

1.—(1) In this Agreement—

- (a) "the appointed day" means 12th March, 1968;
- (b) "conditions of service" means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an officer relating to his tenure of office, disciplinary control, salary (including salary scales), pensionable allowances and passages;
- (c) "officer" means an officer who was before the appointed day the substantive holder of a pensionable office in the Public Service of Mauritius being a person who is not a citizen of Mauritius and—
 - (i) who was selected for or offered appointment to the Public Service of Mauritius by a Secretary of State; or
 - (ii) whose appointment to the Public Service of Mauritius 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 Mauritius; 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 Overseas Civil Service or Her Majesty's Overseas Judiciary, or has been a member of a former Colonial Unified Service, or is or was a designated officer for the purposes of the Overseas Service (Mauritius) Agreement 1961;
- (d) "pension" means any pension, gratuity, compensation and interest thereon, retiring allowance or other like benefit payable by the Government of Mauritius to or in respect of any officer or to the widow or child of any 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 officer who continues to be the substantive holder of a pensionable office in the Public Service of Mauritius 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 officer who continues to be the substantive holder of a pensionable office in the Public Service of Mauritius on or after the appointed day or of his widow, children, dependants or personal representatives 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 in accordance with such laws, regulations and administrative directions.

Preservation of Pensions

4. The pension of any officer who has ceased to be the substantive holder of a pensionable office in the Public Service of Mauritius 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 that are not less favourable.

Payment of Pensions

5.—(1) Without prejudice to the generality of Articles 3 and 4 of this Agreement, a pension shall, at the option of the person to whom it is payable, be paid either in Mauritius 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 to the Mauritius Treasury.

(3) Where a pension is payable outside Mauritius after the appointed day it 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 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 Mauritius as a result of which the pensionable emoluments of an officer may be increased the Government of Mauritius 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 Mauritius undertakes that, in any future schemes to increase pensions payable to any class or description of pensioner, there shall be no discrimination against officers or the widows or children of such officers.

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 if 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 directions for which he might have opted.

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

8.—(1) Officers who are members of Her Majesty's Overseas Civil Service or of Her Majesty's Overseas 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 Mauritius 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 so transferred or promoted.

(3) Before he is released an officer shall be required to make arrangements satisfactory to the Government of Mauritius for the repayment to that Government of any compensation or instalments of compensation he may be required to make under the Mauritius (Compensation and Retiring Benefits) Order in Council 1967, but not of any interest paid on outstanding instalments.

Appeals Board

9. Section 16 of the Mauritius (Independence) Order in Council 1968, which relates to benefits to which section 94 of the Constitution of Mauritius applies, that may be granted or that may have been granted to or in respect of any officer, shall not be revoked or amended to the prejudice of the interests of any officer.

Citation and Commencement

10. This Agreement may be cited as the Public Officers (Mauritius) Agreement 1968 and shall come into operation on the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement.

DONE at Port Louis on the 12th day of March, 1968.

For the Government of the
United Kingdom of Great
Britain and Northern
Ireland:

A. WOOLLER.

For the Government of
Mauritius:

S. RAMGOOLAM.

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