

KENYA



Treaty Series No. 50 (1972)

Exchange of Notes

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

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

(The British Expatriates Supplementation (Kenya)
Agreement 1971)

Nairobi, 12/20 March 1971

[The Agreement entered into force on 1 April 1971]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1972*

LONDON
HER MAJESTY'S STATIONERY OFFICE

8p net

Cmnd. 4977

**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF KENYA CONCERNING
OFFICERS DESIGNATED BY THE GOVERNMENT OF THE
UNITED KINGDOM IN THE SERVICE OF SPECIFIED
ORGANISATIONS OR INSTITUTIONS IN KENYA**

No. 1

*The United Kingdom High Commissioner at Nairobi to the Permanent
Secretary, Office of the President of Kenya*

*British High Commission,
Nairobi.*

Dear Geoffrey,

12 March 1971.

I refer to the agreement⁽¹⁾ between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Kenya dated 1 July 1968, relating to certain staff in the service of organisations or institutions specified in the schedule to that agreement and set out below the terms on which the Government of the United Kingdom of Great Britain and Northern Ireland propose that this scheme should continue for a further period from 1 April 1971 to 31 March 1976.

“1 The Government of the United Kingdom will, with the concurrence of the Government of Kenya, 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 (referred to in the annex as ‘the employing authorities’). The second annex to this letter may, by agreement between the Government of the United Kingdom and the Government of Kenya, be varied or amended from time to time by adding thereto or deleting therefrom the name of any 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 Kenya shall be exempt from the payment of tax under any law for the time being in force in Kenya provided that the person concerned is resident in Kenya solely for the purpose of performing such duties.

“3 This agreement shall come into operation on 1 April 1971 and shall terminate, unless some other date is agreed between the Government of the United Kingdom and the Government of Kenya, on 31 March 1976.”

(1) Not published in Treaty Series.

I suggest that the terms set out in this letter and its annexes should, with effect from 1 April 1971, replace the agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Kenya under the Overseas Development and Service Act 1965 and dated 1 July 1968; and should be cited as the British Expatriates Supplementation (Kenya) Agreement 1971.

Yours ever,
Eric

*Sir Eric Norris, KCMG
High Commissioner*

ANNEX I

TERMS AND CONDITIONS:

1. The Government of the United Kingdom will make the payments specified in this annex to staff in the service of an employing authority who are designated by the Government of the United Kingdom in accordance with this agreement (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 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 meet the cost of holiday passages for the children of a designated officer to enable them to visit their parents in Kenya, 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.

4. Payments by the Government of the United Kingdom under paragraph 2 above will be made into an account at a bank outside Kenya nominated by the officer and situated in Britain or Ireland or such other country as may be agreed by the Government of the United Kingdom.

5. 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.

6. 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.

7. 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 redesignated as the case may be, in accordance with this agreement.

8. 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 that Government and the number of officers to be designated.

9. 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 shall take into account the consequences that would follow if designation were to be terminated.

ANNEX 2

LIST OF ORGANISATIONS AND INSTITUTIONS

- (a) University of Nairobi.
- (b) Nairobi City Council.
- (c) Local Government Authorities (Eldoret).
- (d) Kenya Mission Hospitals.
- (e) Agricultural Development Corporation.
- (f) National Christian Council of Kenya.
- (g) Agricultural Finance Corporation.
- (h) Pyrethrum Marketing Board.
- (i) Egerton Agricultural College.

No. 2

*The Permanent Secretary, Office of the President of Kenya, to the
United Kingdom High Commissioner at Nairobi*

*Office of the President,
Nairobi.*

Dear Eric,

20 March, 1971.

I thank you for your letter of 12 March, 1971, reading as follows:

[As in No. 1]

I confirm that the letter correctly states the understanding between the Government of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland.

Yours sincerely,
Geoffrey

(G. K. KARIITHI)
Permanent Secretary

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
109 St Mary Street, Cardiff CF1 1JW
Brazennose Street, Manchester M60 8AS
50 Fairfax Street, Bristol BS1 3DE
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*