



Treaty Series No. 25 (1986)

Agreement ✓

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Uganda
concerning Public Officers' Pensions
1982

as amended

(Public Officers' Pensions (Uganda) Agreement (1982))

Entebbe, 1 October 1982

[The Agreement entered into force on 1 February 1984]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1986*

LONDON

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AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF UGANDA
CONCERNING PUBLIC OFFICERS' PENSIONS 1982

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the "Government of the United Kingdom") and The Government of the Republic of Uganda (hereinafter called the "Government of Uganda");

Recalling that under the Public Officers' Agreement between the Government of the United Kingdom and the Government of Uganda signed in Kampala on the 10th day of October, 1962⁽¹⁾ provision was made therein for the payment of pensions to overseas officers (designated and non-designated) in accordance with the provisions therein contained, and that certain informal arrangements have been made since then between the two Governments regarding the payment of such pensions;

Desiring to enter into further arrangements whereby the Government of the United Kingdom is to take over the responsibility for the award, control, payment and administration of the pensions payable to or in respect of certain of the aforesaid officers, and certain related pensions;

Have agreed as follows:

ARTICLE I

Interpretation

1. In this Agreement except where the context otherwise requires:
 - (a) "actuary" means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;
 - (b) "the appointed day"⁽²⁾ means the day mutually arranged between the two Governments from which the Government of the United Kingdom shall assume from the Government of Uganda the responsibility for the control, administration and payment of pensions in accordance with the provisions of Article 2 hereof;
 - (c) "inducement allowance" means any inducement allowance which is pensionable under the pensions laws enjoyed by an officer under the Overseas Service (Uganda) Agreement 1961⁽³⁾, or any agreement or arrangement amending or replacing the same;
 - (d) "the Uganda element" in relation to a pension (other than compensation or interest thereon payable under the Uganda (Compensation and Retiring Benefits) Order in Council 1962 or a widows' and orphans' pension awarded under Chapter 283 or Chapter 284) means:
 - (i) in respect of a pension arising from death resulting from an injury on duty or from contracting a disease, or a pension or additional pension arising from such an injury or from a disease,

⁽¹⁾ Cmnd. 2001.

⁽²⁾ The appointed day is 1 August 1985.

⁽³⁾ Not published.

being a pension which results from an occurrence during relevant service, that proportion of the pension which the rate of the officer's pensionable emoluments other than inducement allowance at the date he received the injury or contracted the disease bears to the rate of the officer's total pensionable emoluments at that date;

(ii) in the case of any other pension, that proportion of the pension which the total pensionable emoluments other than inducement allowance enjoyed by the officer during his relevant service bears to the total pensionable emoluments enjoyed by him throughout his public service under the Government of Uganda which have been taken into account in determining the amount of that pension;

(e) "officer" means an officer to whom the Public Officers' Agreement between Her Majesty's Government in the United Kingdom and the Government of Uganda signed at Kampala on 10 October 1962 (hereinafter referred to as "the Public Officers' Agreement") applies or applied and who was not a citizen of Uganda on 1 April 1971 or at the time of his death if before that date or who, having retired from the public service or having died in public service after that date, is not or was not a citizen of Uganda at the time of his retirement or death, as the case may be;

(f) "other public service" means public service not under the Government of Uganda;

(g) "pension" means any pension, gratuity, compensation and interest thereon, or any retiring allowance or other like benefit, or any increase of pension, or any contributions payable to, or interest on contributions payable to, any officer, payable under the pensions laws by the Government of Uganda to or in respect of any officer, or to the widow or child of any officer or to his legal personal representative;

(h) "pensionable emoluments":

(i) in respect of public service under the Government of Uganda means emoluments which count for pension in accordance with the pensions laws;

(ii) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

(i) "pensions laws" means:

(i) in relation to pensions other than widows' and orphans' pensions:

(a) any law, regulation or administrative direction providing for the payment of pensions to officers in respect of public service and in force in Uganda at any time prior to 29 February 1972 and enacted prior to that date;

(b) the Uganda (Compensation and Retiring Benefits) Order in Council 1962;

(ii) in relation to widows' and orphans' pensions, the Asian Widows' and Orphans' Pensions Act, Chapter 283 (in this Agreement

referred to as " Chapter 283 ") and the European Widows' and Orphans' Pension Act, Chapter 284 (in this Agreement referred to as " Chapter 284 ") and any amendments to those Acts in force at any time prior to 29 February 1972 and enacted prior to that date; and

- (iii) in relation both to pensions and to widows' and orphans' pensions, any other laws, regulation or administrative direction accepted by the Government of Uganda and the Government of the United Kingdom for the purposes of this Agreement;
- (j) " public service " means :
- (i) service in a civil capacity under the Government of Uganda or any other country or territory in the Commonwealth;
 - (ii) service under the East Africa High Commission, the East African Common Services Organisation, the East African Posts and Telecommunications Administration, the East African Railways and Harbours Administration, the East African Community, the East African Harbours Corporation, the East African Posts and Telecommunications Corporation or the East African Railways Corporation;
 - (iii) service which is pensionable :
 - (aa) under the Oversea Superannuation Scheme; or
 - (bb) under any Act relating to the superannuation of teachers in the United Kingdom; or
 - (cc) under a local authority in the United Kingdom; or
 - (dd) under the National Health Service of the United Kingdom;
 - (iv) any other service accepted by the Government of the United Kingdom and the Government of Uganda to be public service for the purposes of this Agreement;
 - (v) except for the purposes of computation of a pension, gratuity or other allowance and the determination of the maximum pension grantable, service as a Governor in respect of which a pension may be granted under the Overseas Pensions Act 1973, or any Act amending or replacing that Act;
 - (vi) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, Officer or servant of the Court of Appeal for Eastern Africa established by the Eastern Africa Court of Appeal Order in Council, 1961 (United Kingdom S.I. 1961 No. 2323) or the Court of Appeal for East Africa;
 - (vii) service in the service of the Interim Commissioner for the West Indies;
- (k) " relevant service " means public service in a civil capacity under the Government of Uganda on or after 1 March 1962;
- (l) " widows' and orphans' pensions " means pensions payable under Chapter 283 or Chapter 284, of the laws of Uganda.

2. Words importing the masculine gender also include the feminine.
3. Words importing the singular also include the plural and vice versa where the context requires.

ARTICLE 2

Assumption of Responsibility by the Government of the United Kingdom

As from the appointed day the Government of the United Kingdom shall assume from the Government of Uganda the responsibility for the control, administration and payment of pensions which have been awarded before the appointed day and for the award, control, administration and payment of pensions which would fall to be awarded on or after the appointed day.

ARTICLE 3

Obligations of the Government of the United Kingdom

The Government of the United Kingdom undertakes:

- (a) that it shall award, control, administer and pay the pensions referred to in Article 2 of this Agreement to or in respect of the persons concerned in accordance with the principles and rules contained in the pensions laws, with such modifications as may be necessary in consequence of the transfer of responsibility under this Agreement, or in accordance with such other principles and rules as the Government of the United Kingdom consistently with the next following paragraph may from time to time determine;
- (b) that apart from any modifications arising from the pensions being payable out of public moneys of the United Kingdom it shall not apply to or in respect of any officer different provisions from those contained in the pensions laws (other than any provisions, express or implied, relating to the currency and method of payment of a pension) so as to make such provisions less favourable to any beneficiary or potential beneficiary than the provisions applicable to him on the appointed day: Provided that if a beneficiary or potential beneficiary elects to have any provision applied to him, that provision shall be taken to be more favourable to him;
- (c) that if the Government of Uganda should be adjudged by the order of a competent court of law having jurisdiction in Uganda to be liable to pay to or in respect of an officer or the widow or child or legal personal representative of an officer any sum in respect of a pension for which the Government of the United Kingdom has assumed responsibility under this Agreement, the Government of the United Kingdom shall repay to the Government of Uganda any sum paid to such person for the purpose of complying with the order of the court; but in this event the Government of the United Kingdom shall be free to reduce by corresponding sums, or totally to withhold, any payments of the same pension to or in respect of that person which would otherwise fall to be made by them under this Agreement.

ARTICLE 4

Obligations of the Government of Uganda

- (1) The Government of Uganda undertakes:
- (a) that it shall remain responsible for any instalments of pension which remain unpaid on the appointed day;
 - (b) that it shall as from the appointed day relinquish responsibility for the award, control, administration and payment of any pension otherwise than in accordance with the terms of this Agreement;
 - (c) that it shall pay to the Government of the United Kingdom, in accordance with such arrangements as may be accepted by the two Governments, in respect of any pension (other than a widows' and orphans' pension) awarded before the appointed day to or in respect of an officer, a sum representing the cost if any, of the Uganda element of such pension;
 - (d) that if by reason of any legislation remaining in force in Uganda after the appointed day, any sum is awarded by a court having jurisdiction in Uganda to any person in respect of any pension for which the Government of the United Kingdom has assumed responsibility under this Agreement, the Government of Uganda shall release the Government of the United Kingdom from its obligation under Article 3(c) of this Agreement in respect of that sum.

(2) The sums payable under sub-paragraph (1)(c) of this Article shall be actuarially determined by an Actuary nominated by the Government of the United Kingdom and acceptable to the Government of Uganda and shall be reduced by a sum accepted by the two Governments as representing the tax which the Government of Uganda would have received in respect of the Uganda element of the pensions.

ARTICLE 5

Supply of Information

Each of the Parties to this Agreement shall whenever requested to do so by the other Party supply to that Party such information in connection with the operation of the arrangements contained in this Agreement as may be specified in such request.

ARTICLE 6

Modification of Previous Agreements

(1) On and after the appointed day the provisions of the Overseas Service (Uganda) Agreement 1961, and any agreement or arrangement amending or replacing the same and any other agreement or arrangement relating to the reimbursement of the Government of Uganda by the Government of the United Kingdom of a proportion of the cost of a pension shall cease to apply to any pension payable to or in respect of an officer to whom this Agreement applies in respect of any period beginning on the appointed day.

(2) On and after the appointed day the provisions of Articles 3, 4, 5 and 6, the words "and shall take any action that may be necessary to preserve his pension rights when he is so transferred or promoted" in Article 7(2), and the provisions of Articles 7(3) and 8, of the Public Officers' Agreement shall cease to apply to or in respect of officers to whom this Agreement applies.

ARTICLE 7

Modification of this Agreement

If the Government of the United Kingdom and the Government of Uganda mutually decide that this Agreement should be modified in any particular case or class of cases, the foregoing provisions of this Agreement shall be applied to such case or cases with such modifications, additions or exceptions as may be necessary to give effect to such mutual decision.

ARTICLE 8

Entry into Force

Each of the Parties to this Agreement shall notify the other Party in writing as soon as it has completed the domestic legislation and other arrangements necessary to enable it to carry out the Agreement and this Agreement shall enter into force on the date of the later of these two notifications⁽¹⁾.

ARTICLE 9

Citation

This Agreement may be cited as the Public Officers' Pensions (Uganda) Agreement (1982).

In witness whereof the undersigned, duly authorised thereunto by their respective Governments, have signed this Agreement.

Done in duplicate in Entebbe this first day of October 1982 in the English language.

For and on behalf of the Govern- For and on behalf of the Government
ment of the United Kingdom of the Republic of Uganda:
Great Britain and Northern
Ireland:

W. N. HILLIER-FRY

A. PICHO OWINY

⁽¹⁾ The Agreement entered into force 1 February 1984.