



Treaty Series No. 34 (1973)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Malaysia
amending the Overseas Service
(Malaysia) Agreement 1971

Kuala Lumpur, 14 December 1972

[The Exchange of Notes entered into force on 14 December 1972]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1973*

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EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF MALAYSIA AMENDING THE OVERSEAS
SERVICE (MALAYSIA) AGREEMENT 1971

No. 1

*The United Kingdom Acting High Commissioner at Kuala Lumpur to
the Chief Secretary to the Government of Malaysia*

*British High Commission,
Kuala Lumpur.*

14 December, 1972.

My Dear Chief Secretary,

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 Malaysia relating to the modification of certain provisions of the Overseas Service (Malaysia) Agreement 1971⁽¹⁾ (hereinafter referred to as "the 1971 Agreement") and to place on record the terms of the amendments to the 1971 Agreement which were resolved:

"1. There shall be substituted for sub-paragraph (a) of paragraph 5 of the 1971 Agreement the following new sub-paragraph:

'(a) In respect of a designated officer serving on pensionable terms, a sum equal to the inducement allowance which is paid to him by the employing Government and is taken into account in computing the pension for which such officer is eligible under the appropriate pension laws (being an allowance at such annual rate as is specified by the Government of the United Kingdom), less the sum agreed by that Government and the employing Government as being equivalent to the proceeds of taxation payable in Malaysia on that allowance;'

"2. Paragraph 6 of the 1971 Agreement shall have effect as follows:

'(i) there shall be added, immediately after the words "designated officer" in the third line thereof, the brackets and words "(whether such officer is serving on pensionable terms or on contract)"; and

'(ii) there shall be added the following new sub-paragraphs:

'(c) an inducement allowance (being, in the case of an officer serving on pensionable terms, an inducement allowance which is not taken into account in computing his pension) at such rate as may be specified from time to time by the Government of the United Kingdom; and

'(d) that part of any gratuity payable to the officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph.'

(1) Treaty Series No. 99 (1972), Cmnd. 5069.

“3. Paragraphs 8 and 9 of the 1971 Agreement shall be amended by the addition of a comma and the word ‘gratuity’ after the word ‘allowance’ in the first line thereof.

“4. There shall be added to paragraph 3 of the 1971 Agreement the following:—

‘Whenever the employing Government desires that an officer to be recruited by them should be designated by the Government of the United Kingdom, or that an officer who has been designated and is to be re-engaged should be further designated by the Government of the United Kingdom, the employing Government will give the Government of the United Kingdom such information as that Government may require to enable them to decide whether or not to designate the officer or further designate the officer as the case may be.’

“5. The foregoing amendments shall be deemed to have taken effect on 1 January 1972; their effect in respect of individual officers during the period commencing on that date and ending on 31 January 1973 shall be included in a schedule of payments compiled by the United Kingdom Government in consultation with the Government of Malaysia, and payments shall be made for that period according to such schedule.”

2. If this letter correctly sets out the amendments that have been agreed, I have the honour to suggest that this letter and your reply should be regarded as constituting an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malaysia, that this Agreement should be read together with the 1971 Agreement, and that this Agreement and the 1971 Agreement should be together cited as the Overseas Service (Malaysia) Agreements 1971 and 1972.

Yours sincerely

D. McD. GORDON

Acting High Commissioner

No. 2

*The Chief Secretary to the Government of Malaysia to
the United Kingdom Acting High Commissioner at Kuala Lumpur*

Kuala Lumpur,

My dear Acting High Commissioner,

14 December, 1972.

I have the honour to refer to your letter of 14th December, 1972 which reads as follows:—

[As in No. 1]

In reply, I have further the honour to confirm that your letter correctly sets out the terms which have been agreed and that your letter and this reply shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malaysia which shall enter into force on today's date and shall terminate on 31 March, 1976.

Yours sincerely,

A. KADIR

(*TAN SRI ABDUL KADIR BIN SHAMSUDDIN*)

*Chief Secretary to the
Government of Malaysia*