

No. 7332

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
KENYA**

**Public Officers Agreement. Signed at Nairobi, on 16 January 1964**

*Official text : English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 2 July 1964.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
KENYA**

**Accord relatif aux fonctionnaires. Signé à Nairobi, le 16 janvier 1964**

*Texte officiel anglais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 2 juillet 1964.*

No. 7332. PUBLIC OFFICERS AGREEMENT<sup>1</sup> BETWEEN  
HER MAJESTY'S GOVERNMENT IN THE UNITED KING-  
DOM AND THE GOVERNMENT OF KENYA. SIGNED AT  
NAIROBI, ON 16 JANUARY 1964

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

INTERPRETATION

1. (1) In this Agreement, unless the context otherwise requires—

(a) "the appointed day" means the 12th day of December, 1963 ;

(b) "conditions of service" means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an overseas officer relating to his tenure of office, disciplinary control, salary (including salary scales), pensionable allowances and passages ;

(c) "overseas officer" means an officer whose conditions of service before the appointed day included an entitlement to free passages from East Africa for the purpose of leave of absence upon the completion of a tour of duty and who was before that day the substantive holder of a pensionable office in the Public Service of Kenya, being a person—

- (i) who was selected for or offered appointment to the Public Service of Kenya by a Secretary of State ; or
- (ii) whose appointment to the Public Service of Kenya 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 Kenya ; 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 (Kenya) Agreement, 1961 ;

(d) "non-designated officer" means an officer, not being an overseas officer, whose conditions of service before the appointed day included an entitlement to free

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<sup>1</sup> Came into force on 16 January 1964, upon signature, in accordance with Section 10.

passages from East Africa for the purpose of leave of absence upon the completion of a tour of duty and who was before that day the substantive holder of a pensionable office in the Public Service of Kenya ;

(e) "officer" means an overseas officer or a non-designated officer ;

(f) "pension" means any pension, gratuity, compensation and interest thereon, retiring allowance or other like benefit payable by the Government of Kenya to or in respect of any officer or to the widow or children 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.

(3) References in this Agreement to the widow or children of an officer shall be deemed to include a reference to the widow or child of—

(a) any person in the Public Service of Kenya not being an overseas officer or a non-designated officer whose conditions of service before the appointed day included an entitlement to free passages from East Africa for the purpose of leave of absence upon the completion of a tour of duty ; and

(b) any person who, if he had been in the Public Service of Kenya, would have been an overseas officer or a non-designated officer and who continues to be on or after the appointed day in the service of the East African Common Services Organisation or has been prior to that day in the service of any authority or body now forming part of that Organisation.

(4) In the definitions of 'overseas officer' and, non-designated officer' and in Article 3, except for the purposes of that part of that Article which relates to an entitlement to retire, and in Article 4, the references to the Public Service of Kenya shall be deemed to include a reference to the service of any authority or body for or in respect of which pensions have been or may be awarded under the laws of Kenya relating to pensions for public service.

#### CONDITIONS OF SERVICE

2. The conditions of service applicable to an overseas officer who continues to be the substantive holder of a pensionable office in the Public Service of Kenya on or after the appointed day shall not be less favourable than those which were applicable to him immediately before the appointed day.