

No. 7545

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

**Public Officers Agreement in respect of Sabah. Signed at
Kuala Lumpur, on 9 July 1964**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
13 January 1965.*

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

**Accord relatif aux fonctionnaires en ce qui concerne le
Sabah. Signé à Kuala-Lumpur, le 9 juillet 1964**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 13 jan-
vier 1965.*

No. 7545. PUBLIC OFFICERS AGREEMENT¹ BETWEEN HER MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF MALAYSIA IN RESPECT OF SABAH. SIGNED AT KUALA LUMPUR, ON 9 JULY 1964

The Government of Malaysia of the one part, having obtained the consent of the Government of Sabah to their entering into this Agreement in so far as its terms may affect the responsibilities or interests of the Government of Sabah, and Her Majesty's Government in the United Kingdom, of the other part, have agreed as follows :

Interpretation

1. (1) In this Agreement—

(a) "the appointed day" means Malaysia Day ;

(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 whose conditions of service before the appointed day included an entitlement to a free passage from Sabah 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 Sabah, being a person—

- (i) who was selected for or offered appointment to the public service of Sabah by a Secretary of State ; or
- (ii) whose appointment to the public service of Sabah 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 Sabah ; 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

¹ Came into force on 9 July 1964, upon signature, in accordance with section 10.

Service, or is or was a designated officer for the purposes of the Overseas Service (North Borneo) Agreement 1961 ; or

- (v) who prior to the date on which Sabah became a colony, was recruited to a post in the public service of Sabah for which, after Sabah became a colony, the normal channel of recruitment was either the Colonial Office or the Crown Agents for Oversea Governments and Administrations ;

(d) "pension" means any pension, gratuity, compensation and interest thereon, retiring allowance or other like benefit payable by the Government of Malaysia or by the Government of Sabah 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.

(3) Reference in this Agreement to Sabah shall, in relation to any period prior to the appointed day, mean the former colony or protected state of North Borneo.

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 Sabah on or after the appointed day and to an officer who before the appointed day was the substantive holder of a pensionable office in the public service of Sabah and on or after the appointed day transfers or is seconded to the public service of the Government of Malaysia 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 Sabah on or after the appointed day and of an officer who before the appointed day was the substantive holder of a pensionable office in the public service of Sabah and on or after the appointed day transfers or is seconded to the public service of the Government of Malaysia or of the widow, children, dependants or personal representatives of such an officer shall be provided for in the laws, regula-