

No. 8058

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

**Agreement concerning certain overseas officers serving in
Sabah and Sarawak. Signed at Kuala Lumpur, on
7 May 1965**

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 28 January 1966.

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

**Accord relatif à certains fonctionnaires d'outre-mer en poste
au Sabah et au Sarawak. Signé à Kuala-Lumpur, le
7 mai 1965**

Texte officiel anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 28 janvier 1966.

No. 8058. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF MALAYSIA CONCERNING CERTAIN OVERSEAS OFFICERS SERVING IN SABAH AND SARAWAK. SIGNED AT KUALA LUMPUR, ON 7 MAY 1965

WHEREAS the Government of Malaysia considers that it would be in the public interest to employ in the public service certain officers from other countries, seconded from the Government of Sabah or the Government of Sarawak or recruited by the Government of Malaysia for service in Sabah or Sarawak or both

AND WHEREAS Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the Government of the United Kingdom) is prepared to contribute to that part of the cost of employing such officers as is attributable to the fact that such officers will be serving outside their own countries

AND WHEREAS the Government of Malaysia is responsible on and after the 1st day of January, 1964, for the payment of the pensions of all persons who were designated officers for the purpose of the Overseas Service (Sarawak) Agreement, 1961, and the Overseas Service (North Borneo) Agreement, 1961 ;

NOW, THEREFORE, it is agreed between Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Malaysia as follows :

1. (1) In this Agreement unless the context otherwise requires :
"appointed day" means the date on which Malaysia was established ;

"child" means the son or daughter of a designated officer, including a step-son, step-daughter, adopted son or adopted daughter, not having passed his or her nineteenth birthday and being unmarried and wholly dependent upon the designated officer ;

¹ Deemed to have come into force on 1 January 1964, in accordance with clause 10.

“compensation” means any sum of money, not being a pension or the commutation thereof or a gratuity, which is payable by the Government of Malaysia, on or after the appointed day, either in one payment or by instalments, including any sum payable by way of commutation of additions to a pension, to a designated officer by virtue of arrangements for the payment of compensation approved by a Secretary of State for the purpose of this Agreement ;

“contract officer” means a designated officer seconded from the service of the Government of Sabah or the Government of Sarawak to the service of the Government of Malaysia or recruited by the Government of Malaysia for service in Sabah or Sarawak who is on or after the appointed day a party to a contract of service in writing with one or other of the aforementioned Governments and whose service under that contract does not qualify him for a pension ;

“designated officer” means an officer designated as such by a Secretary of State who is

- (i) an expatriate officer who, on or after the appointed day, is seconded by the Government of Sabah or the Government of Sarawak for service under the Government of Malaysia or is recruited by the Government of Malaysia for service in Sabah or Sarawak or is transferred to the service of the Government of Malaysia in the office of Judge of the High Court of Borneo having immediately before such transfer been the substantive holder of a pensionable office in the service of the Government of Sabah or the Government of Sarawak ; and
- (ii) who
 - (a) is a member of Her Majesty’s Overseas Civil Service ; or
 - (b) was selected for appointment by or with the approval of a Secretary of State, or was recruited by the Crown Agents for Oversea Governments and Administrations ; or
 - (c) was otherwise recruited to a post for which a normal channel of recruitment is either the Ministry of Overseas Development or the Crown Agents for Oversea Governments and Administrations and whose appointment for the purpose of this Agreement is approved by a Secretary of State ;

“gratuity” means the sum payable to a contract officer, in addition to salary and allowance, under his contract of service, and described therein as such or in the laws and regulations applicable thereto, in return for service rendered, whether such sum is paid at the conclusion of that service or otherwise ;

“passage” means transportation of a designated officer, his wife, children and effects by such means, by such routes, in such classes of accommodation and in accord-