



Overseas Development and Co-operation Act 1980

1980 CHAPTER 63

PART III

OVERSEAS SERVICE

10 Appointment of officers available for public service overseas

- (1) For the purpose of giving effect to arrangements made by the Secretary of State (whether before or after the coming into force of this Act) with Governments of overseas territories, the Secretary of State may appoint officers to be available for employment in the public services of those territories, otherwise than in military, naval or air force duties, in accordance with any such arrangements.
- (2) For the purposes of this section, a person shall be taken to be employed in the public services of an overseas territory at any time when—
 - (a) he is employed in any capacity under the Government of that territory, or under any municipal or other local authority in it; or
 - (b) he is employed, in circumstances not falling within paragraph (a) above, by a body corporate established for any public purpose in that territory by an enactment of a legislature empowered to make laws for that territory; or
 - (c) he is the holder of a public office in that territory in circumstances not falling within either paragraph (a) or (b) above.
- (3) The power to appoint officers under this section shall not be exercisable except with the consent of the Treasury, which may be given either unconditionally or subject to such conditions as the Treasury may determine.
- (4) Any such consent (whether conditional or unconditional) may be given—
 - (a) in respect of the appointment of a particular officer; or
 - (b) generally in respect of the appointment (within such limits as may be specified in the consent) of officers of such description, or for such purposes, as may be so specified; or

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- (c) for giving effect to arrangements with a Government so specified; or
 - (d) otherwise as the Treasury may consider appropriate.
- (5) A person shall not be appointed by the Secretary of State under this section at a time when he is employed in any capacity under the Government of an overseas territory unless—
- (a) the appointment is made for giving effect to arrangements made (whether before or after the coming into force of this Act) with that Government; or
 - (b) in any other case, the appointment is made with the consent of that Government.
- (6) A person shall not be taken to be appointed under this section unless a statement to that effect, expressly referring to this section, is contained in his instrument of appointment.
- (7) Subject to the preceding provisions of this section, an officer may be appointed by the Secretary of State under this section subject to such conditions as the Secretary of State may determine, and either for a limited period or indefinitely.
- (8) An officer appointed under this section, howsoever he may be employed from time to time, shall continue to hold his appointment under this section until—
- (a) his appointment is terminated by the Secretary of State, whether on retirement or otherwise ; or
 - (b) he resigns or dies ; or
 - (c) (in the case of an officer appointed for a limited period) that period comes to an end,
- whichever first occurs.
- (9) An officer to whom this section applies, in the absence of suitable employment of the kind specified in subsection (1) above, may with the consent of the Treasury be made available by the Secretary of State for other employment while continuing to serve as an officer to whom this section applies.
- (10) Subsections (8) and (9) above shall apply to a person appointed an officer under section 1 of the Overseas Service Act 1958 as they apply to a person so appointed under this section.
- (11) A person shall not be taken to have been appointed under section 1 of the Overseas Service Act 1958 unless a statement to that effect, expressly referring to that Act, is contained in his instrument of appointment.

11 Overseas service by police officers

- (1) Where a member of a home police force is, with the consent of the appropriate authority, appointed under section 10 above for a limited period, the Secretary of State may direct that this section shall have effect in respect of his service in pursuance of that appointment as an officer to whom section 10 above applies.
- (2) Where by virtue of such a direction this section has effect in respect of a person's service as an officer to whom section 10 above applies—
- (a) section 2 of the Police (Overseas Service) Act 1945 (members of home police forces who engage for a period of overseas service), and
 - (b) where applicable—
 - (i) paragraph 2 of Schedule 4 to the Police Act 1964, or

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- (ii) section 24 of the Police (Scotland) Act 1967,
(member of home police force who engages for a period of overseas service where, during that engagement, his force is transferred under an amalgamation scheme),
shall apply to him, subject to subsection (3) below, in respect of that service, as they would have applied if that service had been a period of overseas service within the meaning of the Police (Overseas Service) Act 1945 for which he had engaged as mentioned in section 2(1) of that Act.
- (3) In the application of section 2(2) of the Police (Overseas Service) Act 1945 to a person's service as an officer to whom section 10 above applies, any reference to a disciplinary authority established by regulations under section 1 of that Act shall be construed as a reference to such authority as, whether before or during that service, may be designated in that behalf by the Secretary of State.
- (4) In this section " home police force " and " appropriate authority " have the same meanings as in the Police (Overseas Service) Act 1945.

12 Power to meet expenses incurred in connection with employment in overseas territories

- (1) The Secretary of State may enter into agreements relating to the employment in public or social services in overseas territories of persons designated at any time by the Secretary of State in accordance with the agreements, under which the Secretary of State meets, directly or indirectly, expenses—
- (a) in connection with the employment of those persons in accordance with the agreements, or
 - (b) in respect of compensation paid to those persons,
- and may out of money provided by Parliament make any payments falling to be made under the agreements.
- (2) The agreements may be agreements with the Government of the overseas territory, or with any inter-governmental organisation, or (if the employment is not by or under the Government of the overseas territory, or an inter-governmental organisation) with the authority or other body which is the employer.
- (3) No such agreement shall be entered into, and no person shall be designated under such an agreement, except with the consent of the Minister for the Civil Service.
- (4) The consent of the Minister for the Civil Service to the designation of any person under such an agreement may be given generally in respect of persons of such descriptions, and subject to such limitations (if any), as may be specified in the consent.
- (5) For the purposes of this section a person shall be taken to be employed in public or social services in an overseas territory at any time when—
- (a) he is the holder of a public office in an overseas territory. or
 - (b) he is employed under the Government of an overseas territory or under any municipal or other local authority in an overseas territory, or
 - (c) he is employed in an overseas territory by any inter governmental authority or organisation, or
 - (d) he is employed by any authority, organisation or institution established for public purposes in an overseas territory, including any marketing board, co-

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operative society or other body providing benefits primarily for a particular section of the public, or

- (e) he is employed (otherwise than by any such authority, organisation or institution) in any service provided, or in any other activities carried on, for public purposes in an overseas territory.
- (6) The Secretary of State may by order apply this section in relation to employment in an overseas territory in a capacity specified in the order as it applies in relation to employment in public or social services in overseas territories.
- (7) An order under subsection (6) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section applies only to persons serving outside the United Kingdom.

13 Interpretation of Part III

- (1) In this Part of this Act " overseas territory " means any territory or country outside the United Kingdom.
- (2) References in this Part of this Act to the Government of an overseas territory include references to a Government constituted for two or more overseas territories, and to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories.
- (3) Any reference in this Part of this Act to an officer to whom section 10 above applies is a reference to a person who has been appointed an officer under that section or under section 1 of the Overseas Service Act 1958 and for the time being continues to hold that appointment.
- (4) For the purposes of this Part of this Act, a person shall be taken to be serving as an officer to whom section 10 above applies at any time when, having been appointed an officer under that section or under section 1 of the Overseas Service Act 1958, he continues to hold that appointment, and any reference to service as such an officer shall be construed accordingly.