SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 64.	The Land Registers (Scotland) Act, 1868.	Section fourteen so far as it relates to the signing of certificates of registration.
31 & 32 Vict. c. 101.	The Titles to Land Consolidation (Scotland) Act, 1868.	In section one hundred and forty-two the words "and shall be subscribed by the keeper of the register".

CHAPTER 12

Foreign Compensation Act, 1950

ARRANGEMENT OF SECTIONS

Section
1. Constitution of Foreign Compensation Commission.
2. Distribution of compensation under Yugoslav and Czechoslovak agreements.
3. Compensation payable by foreign Governments under future agreements.
4. Procedure of Commission.
5. Enforcement of attendance of witnesses, production of documents and furnishing of information.
6. Accounts of Commission and annual report.
7. Administrative and financial provisions.
8. Orders in Council and rules.
9. Short title and interpretation.

An Act to provide for the establishment of a Commission for the purpose of registering and determining claims to participate in compensation under agreements with foreign Governments and of distributing any compensation received under any such agreements, and for purposes connected with the matters aforesaid.

[12th July 1950.]

WHEREAS agreements (hereafter in this Act referred to as the "Yugoslav Agreements") entered into between His Majesty's Government in the United Kingdom and the Government of Yugoslavia on the twenty-third day of December, nineteen hundred and forty-eight, and on the twenty-sixth day

of December, nineteen hundred and forty-nine, provided for the payment of compensation by the last-mentioned government in respect of British property, rights and interests affected by certain Yugoslav measures:

And whereas an agreement (hereafter in this Act referred to as the "Czechoslovak Agreement") entered into between His Majesty's Government in the United Kingdom and the Government of Czechoslovakia on the twenty-eighth day of September, nineteen hundred and forty-nine, provided for the payment of compensation by the last-mentioned government in respect of British property, rights and interests affected by certain Czechoslovak measures:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Constitution of Foreign Compensation Commission.

1.—(1) For the purposes of this Act, there shall be constituted a Commission, to be called the Foreign Compensation Commission and in this Act referred to as "the Commission", consisting of a chairman appointed by the Lord Chancellor and such number of other members so appointed as the Secretary of State may with the approval of the Treasury determine.

(2) The Commission shall be a body corporate with power to hold land without licence in mortmain and may act notwithstanding a vacancy among the members thereof.

(3) Every member of the Commission shall hold and vacate his office in accordance with the terms of his appointment, and a member of the Commission who ceases to hold office shall be eligible for re-appointment.

(4) A person shall be disqualified for being appointed or being a member of the Commission so long as he is a member of the Commons House of Parliament.

(5) The Commission shall pay to their members such remuneration (whether by way of salary or fees) and allowances as the Commission may with the approval of the Secretary of State and the Treasury determine.

Distribution of compensation under Yugoslav and Czechoslovak agreements.

2.—(1) His Majesty may by Order in Council provide for the distribution by the Commission—

(*a*) of such sums as may be paid to the Commission by His Majesty's Government in the United Kingdom, being sums received under the Yugoslav Agreements, among the persons who establish claims to the satisfaction of the Commission in respect of losses suffered in such circumstances as may be prescribed by the Order;

(*b*) of such sums as may be paid to the Commission by His Majesty's Government in the United Kingdom, being sums received under the Czechoslovak Agreement, among the persons who establish claims to the satisfaction of the Commission in respect of losses suffered in such circumstances as may be prescribed by the Order.

(2) Without prejudice to the generality of the preceding subsection, an Order in Council under this section may make provision—

(*a*) for defining the persons who are to be qualified, in respect of nationality or status, to make applications to the Commission for the purpose of establishing such claims as aforesaid, and for imposing any other conditions to be fulfilled before such claims can be entertained;

(*b*) for prescribing the matters which have to be established to the satisfaction of the Commission by persons making such applications;

(*c*) for requiring documents of title relating to property in respect of which claims are established to be surrendered to the Commission, and for securing the abandonment or extinction of rights in respect of which claims are established.

(3) An Order in Council under this section may make provision for enabling a person appointed by the government of any of the following countries, that is to say, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon or Southern Rhodesia, to be treated as an additional member of the Commission for the purpose of determining such classes of applications as may be prescribed by the Order.

Compensation payable by foreign Governments under future agreements.

3. If His Majesty's Government in the United Kingdom enter into or contemplate an agreement with the government of any foreign country providing for the payment of compensation by the latter government, His Majesty may by Order in Council make provision for all or any of the following matters, that is to say:—

(*a*) for the registration by the Commission of claims to participate in such compensation, and for the making of reports by the Commission with respect to such claims;

(*b*) for the determination of such claims by the Commission;

(*c*) for any matters arising in relation to such claims for which, in relation to the claims mentioned in the last

preceding section, provision may be made under that section;

(*d*) for the distribution by the Commission of any sums paid to them by His Majesty's Government in the United Kingdom, being sums received under the agreement;

(*e*) for any supplementary and incidental matters for which provision appears to His Majesty to be necessary or expedient.

Procedure of Commission.

4.—(1) His Majesty may by Order in Council provide for enabling applications made to the Commission under this Act to be determined on behalf of the Commission by such number of the members thereof as may be prescribed by the Order, and the Order may prescribe different numbers in relation to different classes of applications.

(2) Subject to the preceding subsection, the Commission shall with the approval of the Lord Chancellor make rules regulating the procedure of the Commission in determining applications made to them under this Act, and such rules may prescribe time limits within which such applications must be made, and may confer powers on the Commission for enforcing the attendance of witnesses and their examination on oath, affirmation or otherwise, and for compelling the production of documents and the furnishing of information, and for the taking of evidence abroad.

(3) Rules made under this section shall, in the case of applications made under an Order in Council under section two of this Act, provide that the application shall, if the Commission so direct or the applicant so desires, be the subject of an oral hearing, and that the applicant shall be entitled to appear in person or to be represented at the hearing, and the rules may make like provision in the case of other applications to the Commission.

(4) The determination by the Commission of any application made to them under this Act shall not be called in question in any court of law.

Enforcement of attendance of witnesses, production of documents and furnishing of information.

5.—(1) If any person—

(*a*) on being summoned, in accordance with rules made under section four of this Act, as a witness before the Commission, fails to attend; or

(*b*) being in attendance as a witness refuses to take an oath or make an affirmation required in accordance with such rules to be taken or made, or to answer any question to which the Commission may legally require an answer; or

(*c*) being required in accordance with such rules to produce any document or furnish any information, fails without reasonable excuse to comply with that requirement; or

(*d*) does any other thing which would, if the Commission had been a court of law having power to commit for contempt, have been contempt of court;

the chairman of the Commission may certify the offence of that person under his hand to the High Court, and the court may thereupon inquire into the alleged offence and may punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

(2) A witness before the Commission shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

Accounts of Commission and annual report.

6.—(1) The Commission shall prepare accounts, in such form and manner as the Treasury may direct, for each financial year, and shall, as soon as possible after the end of each financial year, submit to the Secretary of State their accounts for that year, and the Secretary of State shall transmit the accounts to the Comptroller and Auditor General who shall examine and certify them and shall lay copies thereof, together with his report thereon, before Parliament.

(2) The Commission shall prepare an annual report on the exercise of their functions during each financial year and shall, as soon as possible after the end of each such year, submit the report for that year to the Secretary of State, and the Secretary of State shall lay copies thereof before Parliament.

(3) In this section the expression "financial year" means the period beginning with the passing of this Act and ending with the thirty-first day of March, nineteen hundred and fifty-one, and every subsequent period of twelve months ending with the thirty-first day of March.

Administrative and financial provisions.

7.—(1) His Majesty may make provision by Order in Council with respect to—

(*a*) the quorum and proceedings of the Commission;

(*b*) the appointment of officers and servants of the Commission and the payment of remuneration and allowances to them;

(*c*) the management and investment of any moneys in the hands of the Commission;

(*d*) any other matters for which His Majesty considers it necessary or expedient to provide for the purpose of enabling the Commission to exercise their functions;

(*e*) the disposal of any sums in the hands of the Commission which it is not practicable to distribute;

(*f*) the winding up of the Commission.

(2) Subject as hereinafter provided, the expenses of the Commission, including the remuneration and allowances of the members, officers and servants of the Commission, shall be defrayed out of moneys provided by Parliament:

Provided that His Majesty may by Order in Council direct the payment into the Exchequer by the Commission, out of any sums paid to the Commission for the purpose of being distributed by them under this Act, of such amount as may be determined by or under the Order to be the amount of the said expenses attributable to the discharge by the Commission of their functions in relation to the distribution of those sums.

Orders in Council and rules.

8.—(1) Any Order in Council made under this Act may be revoked or varied by a further Order in Council.

(2) All Orders in Council made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The power of the Lord Chancellor to approve rules made under section four of this Act shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title and interpretation.

9.—(1) This Act may be cited as the Foreign Compensation Act, 1950.

(2) In this Act the expression "compensation" includes any payment made in respect of any debt or claim on which there has been a default.