STATUTORY INSTRUMENTS

1964 No. 638

FOREIGN COMPENSATION

The Foreign Compensation Commission (Amendment) Rules 1964

Made - - - -	*29th April* 1964
Laid before Parliament	*5th May* 1964
Coming into Operation	*6th May* 1964

Whereas the Foreign Compensation Commission have, in exercise of their powers under section 4 of the Foreign Compensation Act 1950(a), made rules of procedure and submitted them to me for my approval:

Now, therefore, I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by sections 4 and 8 of the Foreign Compensation Act 1950, do hereby approve the said rules in the form set out in the schedule hereto and direct that they shall come into operation on 6th May 1964.

Dated 29th April 1964.

Dilhorne, C.

SCHEDULE

The Foreign Compensation Commission, in exercise of their powers under section 4 of the Foreign Compensation Act 1950, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Foreign Compensation Commission (Amendment) Rules 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as if they were an Act of Parliament.

2. The Foreign Compensation Commission Rules 1956(c) shall be amended as follows:—

(*a*) The following paragraph shall be added after paragraph (2) of Rule 1:—

"(3) Nothing in these Rules shall apply to applications under the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order 1962(d)."

(*b*) In Rule 2(1) the definition of "Adjudication" shall be deleted.

(*c*) The following paragraph shall be substituted for paragraph (1) of Rule 11:—

"(1) The Legal Officer may at any time file with the Secretary a statement recommending the Commission to admit a claim at the sum claimed or agreed in writing by the Applicant to be the amount

(a) 14 Geo. 6. c. 12.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1956/962 (1956 I, p. 1021).
(d) S.I. 1962/2187 (1962 III, p. 2980).

of his loss, and the Commission may determine the matter accordingly by admitting the claim at a sum not less than the sum so recommended. A recommendation may be filed at any time before determination notwithstanding that an Answer has been filed under Rule 12."

(*d*) In Rules 16 and 18 there shall be substituted for the word "adjudication" wherever it occurs the word "determination".

(*e*) In Rule 21 there shall be substituted for the word "adjudicated" the word "determined".

(*f*) There shall be inserted in Rule 35 immediately after the word "provided" the words "by any Order in Council made under the Act or".

(*g*) The following Rule shall be substituted for Rule 38:—

"*Provisional Determinations and Reviews*

(1) All determinations of the Commission, including those mentioned in Rule 11 but not in Rule 22, shall be provisional and subject to review. Subject as hereinafter provided, the time for and procedure upon review shall be at the discretion of the Commission.

(2) Before reviewing any provisional determination the Commission shall serve upon the Applicant notice of intention to review.

(3) The Commission may invite the Applicant and the Legal Officer to submit additional evidence or written arguments or to attend an oral hearing on review, or may give leave to them respectively so to do if application for such leave is made before the expiration of 21 days after the service of notice of intention to review, but, unless so invited or given leave and subject as hereinafter provided, neither the Applicant nor the Legal Officer shall be entitled to have an oral hearing on review or to submit any additional evidence or arguments.

(4) The Applicant shall be entitled to submit additional written evidence and arguments or to have an oral hearing if the Commission propose on review to disallow or reduce the amount of any claim provisionally allowed, and the Legal Officer shall be so entitled if the Commission propose on review to increase the amount of a claim provisionally allowed or to allow a claim provisionally disallowed.

(5) The Commission shall serve upon the Applicant and the Legal Officer respectively (as the case may require) notice in writing of any such proposal as is referred to in paragraph (4) of this Rule, and any written evidence and arguments and demand for an oral hearing on review shall be served upon the Commission before the expiration of 21 days from the service of the notice of such proposal.

(6) There shall not be more than one review of any determination."

The Seal of the Foreign Compensation Commission was hereunto affixed this 23rd day of April 1964.

(L.S.)

C. Montgomery White,
Chairman of the Commission.

H. H. Butcher,
Secretary.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Foreign Compensation Commission Rules 1956 for the following main purposes :—

(*a*) to make it clear that the Legal Officer may file a recommendation for the admission of a claim even after service of an Answer and that any award based on such a recommendation must be for not less than the sum recommended (Rule 2(*c*)) ;

(*b*) to enable the determination of the Commission to be made by a single Commissioner where so provided by an Order in Council made under the Foreign Compensation Act 1950, such as the Foreign Compensation (Roumania) (Amendment) Order 1964 (S.I. 1964/494) (Rule 2(*b*)(*d*)(*e*) and (*f*)) ; and

(*c*) to prescribe in greater detail the procedure to be followed on the review by the Commission of a provisional determination (Rule 2(*g*)).

Note: *S.I. Nos.* **639** *and* **640** *are local : particulars of them will be found in Part III of the Volume.*