STATUTORY INSTRUMENTS

1962 No. 2406

FOREIGN COMPENSATION

The Foreign Compensation Commission (Egyptian Claims) (Amendment No. 2) Rules 1962

Made - - - -	31*st October* 1962
Laid before Parliament	6*th November* 1962
Coming into Operation	7*th November* 1962

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 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 the 7th day of November 1962.

Dated 31st October 1962.

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 (Egyptian Claims) (Amendment No. 2) Rules 1962.

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

2. The Foreign Compensation Commission (Egyptian Claims) Rules 1959(c), as amended(d), shall be further amended as follows:—

(*a*) The following Rule shall be substituted for Rule 18 :—

" *Preliminary Determinations*

18.—(1) One Commissioner may at any time order a preliminary determination upon any question of fact or law.

(2) If it shall appear to a Commissioner on an application relating to shares in any corporation that any question may arise as to whether such corporation was on any relevant date a converted company or an Egyptian controlled company and, if so, whether such shares or any of them ought to be held to be property in Egypt for the purposes of the Order in Council or any provision thereof, one Commissioner may give such directions as may be convenient or necessary for enabling any such question to be determined by a preliminary determination, either in relation to particular shares in such corporation or in relation to all shares of British nationals therein. Such directions may require the service of a notice upon the corporation, whether it be already an applicant or not, in such manner and in such form as may be directed, requiring it within such time as may be specified, not

(a) 14 Geo. 6. c. 12. (b) 52 & 53 Vict. c. 63. (c) S.I. 1959/640 (1959 I, p. 1368).
(d) The relevant amending instrument is S.I. 1961/1527 (1961 II, p. 3184).

being less than 14 days after service of the notice, to show cause in writing or otherwise why it should not be held by the Commission to be a converted company or an Egyptian controlled company and why all or any of the shares of British nationals therein should not be held by the Commission to be property in Egypt for all or any of the purposes of the Order in Council. Any preliminary determination made in pursuance of such directions shall be binding upon any corporation duly served with notice as aforesaid in any proceedings before the Commission whether the corporation shall have complied with such notice or been represented before the Commission or not."

(*b*) There shall be inserted at the end of paragraph (3) of Rule 38 the following words:—

"Provided nevertheless that, if it shall appear to the Commission that since the determination by the Commission of an application (whether such determination shall have been reviewed by the Commission or not) there has been a material alteration of the relevant provisions of the Order in Council relating to the establishment of claims so as to affect the said application or determination, the Commission may, after giving reasonable notice to the Applicant and to the Legal Officer, and considering any written arguments that they may respectively submit, and any oral evidence and arguments that they may respectively with the leave of the Commission submit (as to all of which matters directions may be given under Rule 30), revoke such determination, either wholly or in part, and in lieu thereof or of the part revoked, make, either at the same time or subsequently, a fresh determination, which shall be provisional and subject to review, in accordance with this Rule."

(*c*) In paragraph (4) of Rule 38 the words "Article 6 or Article 10 of" shall be deleted.

The Seal of the Foreign Compensation Commission was hereunto affixed this 31st day of October 1962.

(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 make amendments to the Foreign Compensation (Egyptian Claims) Rules 1959 consequential on the coming into force of the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order 1962 (S.I. 1962/2187). The Commission is empowered to join a corporation as a party to any proceedings before it raising a question as to the character of the corporation or of shares in it for the purposes of the Order of 1962; and to reopen the determination of any application which would have been affected by the Order if it had been in force at the time of the determination.