STATUTORY INSTRUMENTS

1963 No. 2054

FOREIGN COMPENSATION

The Foreign Compensation Commission (Egyptian Claims) (Amendment) Rules 1963

Made - - - -	18*th December* 1963
Laid before Parliament	23*rd December* 1963
Coming into Operation	1*st January* 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 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 1st January 1964.

Dated 18th December 1963.

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) Rules 1963.

(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*) In Rule 2 (1)—

(i) the definition of "adjudication" shall be deleted; and

(ii) for "the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order 1959(e)" there shall be substituted "the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order 1962(f)".

(*b*) Paragraphs (3), (4) and (5) of Rule 7 shall be revoked and in their place there shall be inserted the following paragraphs:—

"(3) Every Applicant hereafter making an application under Part IV of the Order in Council and every Applicant who has previously made such an application and who is served with a notice by the Commission requiring him to do so shall formulate his claim by completing and delivering to the Commission so as to reach the Commission on or before

(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 instruments are S.I. 1959/1887, 1961/1527, 1962/1138 (1959 I, p. 1378; 1961 II, p. 3184; 1962 II, p. 1300). (e) S.I. 1959/625 (1959 I, p. 1384). (f) S.I. 1962/2187 (1962 III, p. 2980).

the expiration of 21 days after the receipt by the Commission of his application or the service upon him of such notice (as the case may be) an appropriate form issued or approved by the Commission and signed by or on behalf of the Applicant. In every such form the Applicant shall state to the best of his ability in relation to each head of claim particulars of the property in Egypt alleged to have been lost, injured or damaged, and of the Applicant's title to such property, and of the manner in which and date at which such loss, injury or damage is alleged to have occurred, and of the amount of loss claimed to have been thereby suffered by the Applicant, and such other particulars (if any) as may be required by the form issued or approved by the Commission.

(4) Save with the leave of not less than two Commissioners, no application under Part IV of the Order in Council shall be considered unless and to the extent that it has been formulated as required by paragraph (3) of this Rule.

(5) If the Applicant fails to formulate his claim as required by paragraph (3) of this Rule, the Commission may make an order dismissing his application either wholly or in part, provided that the Commission may at any time thereafter, on reasonable cause shown by the Applicant, revoke any such order of dismissal either absolutely or on terms, and any such revocation shall not be deemed to be a review within the meaning of Rule 38.

(6) Any order made by the Commission under this Rule shall be made by not less than two Commissioners and shall not be subject to review under Rule 38. The provisions of Rule 29 shall not apply to any time appointed by paragraph (1) of this Rule for making applications under Part III of the Order in Council and any extension under Rule 29(b) of the time appointed by or under any other paragraph of this Rule may be granted only by the direction of not less than two Commissioners."

(*c*) The following proviso shall be added at the end of Rule 12:—

"Provided that, if it shall at any time appear to a Commissioner as regards any claim that it cannot be established but is suitable for registration under the Order, and that the amount of the loss sustained by the Applicant does not exceed £5000, then such Commissioner may assess the loss sustained by the Applicant in respect of such claim and direct notice to be served upon the Applicant that the claim is considered to be suitable for registration in the sum so assessed, and, if the Applicant shall within a period of 21 days from the date of such notice consent in writing to such registration, then, unless the Commission otherwise direct, the claim shall be registered accordingly."

(*d*) The following paragraph shall be substituted for paragraph (1) of Rule 13:—

"(1) In any case where directions shall have been given under paragraph (3) of Rule 11 or under Rule 12, the Legal Officer may 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 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 14."

The Seal of the Foreign Compensation Commission was hereunto affixed this 18th day of December 1963.

(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 further amendments to the Foreign Compensation Commission (Egyptian Claims) Rules 1959. The Commission is empowered to require a claim to be formulated on an appropriate form within a limited period of time. Provision is also made to enable one Commissioner to assess a claim that is suitable for registration where the amount of loss does not exceed £5000 and the power of the Legal Officer to make a recommendation to the Commission to admit a claim is extended so as to enable him to make a recommendation at any time before determination of the claim.