STATUTORY INSTRUMENTS

1964 No. 2031

FOREIGN COMPENSATION

The Foreign Compensation Commission (Egyptian Claims) (Amendment) Rules Approval Instrument 1964

Made - - - -	21*st December* 1964
Laid before Parliament	30*th December* 1964
Coming into Operation	1*st January* 1965

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, Gerald, Baron Gardiner, 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.

This instrument may be cited as the Foreign Compensation Commission (Egyptian Claims) (Amendment) Rules Approval Instrument 1964 and shall come into operation on 1st January 1965.

Dated 21st December 1964.

Gardiner, 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 1964.

(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:—

(1) Rule 7(1) shall be amended as follows:—

(i) for the words "circumstances, no Application" there shall be substituted the words "circumstances—

(*a*) no Application";

(ii) the following sub-paragraphs shall be added after sub-paragraph (*a*)—

"(*b*) no Application under Part IV of the Order in Council shall be considered unless it has reached the Commission on or before the 31st day of March 1965;

(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).

(*c*) no claim shall be considered which has been withdrawn by or on behalf of an Applicant either in writing or at an oral hearing;

(*d*) no claim shall be considered if it is first made by an Applicant after it has been stated in writing by him or on his behalf that he has no further claim to make."

(2) The following Rule shall be inserted after Rule 13:—

"*Summary dismissal*

13A.—(1) In any case where directions shall have been given under Rule 12, if it appears to the Legal Officer that as regards any claim or claims made by the Applicant the facts alleged by the Applicant are such that the Applicant cannot satisfy the Commission of the matters requisite for the establishment or registration of such claim or claims under the Order, the Legal Officer may apply to the Commission for an order that any such claim or claims be summarily dismissed. Not less than 21 days' notice of his intention so to apply shall be served upon the Applicant. Any such notice shall state the grounds for the said application and shall be in Form E of the Appendix to these Rules.

(2) An application by the Legal Officer under this Rule shall be heard orally by the Commission who may after taking into consideration any oral or written submissions made by the Legal Officer and the Applicant make an order dismissing such claim or claims wholly or in part or give such directions in the matter as may be thought proper, provided that the Commission may at any time thereafter on reasonable cause shown by the Applicant revoke any such order of dismissal, wholly or in part, and any such revocation shall not be deemed to be a review within the meaning of Rule 38.

(3) 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."

(3) The following Rule shall be substituted for Rule 14:—

"*Answer*

14. If the Legal Officer is not prepared to make a recommendation under Rule 13, or the Commission do not accept it, if made, then, subject to any order of summary dismissal that may be made and to any further directions that may be given on the hearing of any application made under Rule 13A, the Legal Officer shall file an Answer setting out any matters affecting the Application which in his view the Commission should consider. A copy of the Answer shall be served on the Applicant."

(4) In Rule 17(1)—

(i) the words "the notice of preliminary assessment or" shall be deleted;

(ii) the proviso to the said paragraph shall be deleted.

(5) In Rule 31—

(i) for the words "ordinary address" there shall be substituted the words "last ordinary or permanent address notified to the Commission" and for the words "to his address for service" there shall be substituted the words "other address for service";

(ii) at the end of the Rule there shall be added the following sentence:—"The address of a solicitor instructed by the Applicant to act generally in relation to his claim shall be deemed to be an address for service specified as aforesaid."

(6) The following Rule shall be inserted after Rule 38:—

"*Amendment of determinations and orders*

39. Clerical mistakes in determinations or orders or errors arising from any accidental slip or omission may at any time be corrected by the Commission of its own motion after giving notice to the Applicant and the Legal Officer or on the application of the Applicant or the Legal Officer after giving notice to the other of them, without review."

(7) The following new Form shall be added at the end of the Appendix:—

"FORM E

FOREIGN COMPENSATION ACT 1950

APPLICATION FOR SUMMARY DISMISSAL

FOREIGN COMPENSATION COMMISSION

IN THE MATTER OF THE FOREIGN COMPENSATION (EGYPT) (DETERMINATION AND REGISTRATION OF CLAIMS) ORDER 1962

AND

IN THE MATTER OF THE APPLICATION OF

TAKE NOTICE that the Legal Officer intends to apply to the Commission under Rule 13A of the Foreign Compensation Commission (Egyptian Claims) Rules 1959 as amended at

on day the day of 196 at 10.15 a.m. for an order that the application of the above-named Applicant so far as regards the under-mentioned claims be dismissed on the grounds hereinafter stated that is to say

The claims in respect of

The grounds for this application are that the requirements of the above Order cannot be satisfied, in that

And further take notice that the said application will be heard orally by the Commission and that you may attend such hearing and that the Commission will take into consideration submissions (if any) made by you or on your behalf orally at the hearing or in writing.

Dated this day of 196 .

Secretary."

The Seal of the Foreign Compensation Commission was hereunto affixed this 21st day of December 1964.

(L.S.)

C. Montgomery White,
Chairman of the Commission.

G. A. J. Boon,
Secretary.

EXPLANATORY NOTE

(This note is not part of the instrument, but is intended to indicate its general purport.)

The Rules approved by this instrument make a number of amendments to the Foreign Compensation Commission (Egyptian Claims) Rules 1959, of which the following are the most important:—

(1) Except by special leave, the 31st March 1965 is fixed as the final date for the receipt by the Commission of Applications under Part IV of the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order 1962, and no claims will be considered if they have previously been withdrawn or if they have been entered after it has been stated in writing that the Applicant has no further claim to make (Rule 2(1)).

(2) Not less than two Commissioners are empowered on motion made by the Legal Officer to dismiss summarily any claim where it appears that the facts alleged by the Applicant are such that he cannot satisfy the Commission of the matters requisite for the establishment or registration of the claim under the Order; any such order of summary dismissal will not be subject to review (Rule 2(2)).