# 1960 No. 2418

# The Foreign Compensation (Egypt) (Determination and Registration of Claims) (Amendment) Order, 1960

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| *Made* - - - - | *21st December*, 1960 |
| *Laid before Parliament* | *30th December*, 1960 |
| *Coming into Operation* | *2nd January*, 1961 |

At the Court at Buckingham Palace, the 21st day of December, 1960

**Present,**

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is authorised to make provision by Order in Council under the Foreign Compensation Act, 1950(a), (hereinafter referred to as "the Act") for the determination by the Foreign Compensation Commission (hereinafter referred to as "the Commission") of claims to participate in compensation received under agreements with foreign Governments:

And Whereas such provision was made by the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order, 1959(b), as amended by the Foreign Compensation (Egypt) (Determination and Registration of Claims) (Amendment) Order, 1959(c), (hereinafter referred to together as "the principal Order"):

And Whereas it is now deemed expedient to make certain amendments to the principal Order:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**1.** There shall be substituted for the definition of the expression "Egyptian measures" in Article 1 of the principal Order the following:—

"'Egyptian measures' means all measures of sequestration and powers to sell, liquidate or manage sequestrated property taken or exercised by the Government of the Republic of Egypt or by the Government of the United Arab Republic against property between the 30th day of October, 1956, and the 28th day of February, 1959, and all restrictive measures taken against British nationals during the same period in accordance with the provisions of Egyptian Proclamation No. 5 of November 1, 1956."

**2.** There shall be substituted for the title to Part III of the principal Order the following:—

"CLAIMS IN RESPECT OF PROPERTY OF WHICH THE OWNER HAS BEEN PERMANENTLY DEPRIVED UNDER EGYPTIAN PROCLAMATION NO. 5 OF NOVEMBER 1, 1956."

(a) 14 Geo. 6. c. 12. (b) S.I. 1959/625 (1959 I, p. 1384). (c) S.I. 1959/1773 (1959 I, p. 1388).

**3.** There shall be substituted for Article 4 of the principal Order the following:—

"4.—(1) The Commission shall treat a claim under this Part of the Order as established if the applicant satisfies them of the following matters:—

(*a*) that his application relates to property in Egypt which was sold between the 30th day of October, 1956, and the 2nd day of August, 1958, under the provisions of Egyptian Proclamation No. 5 of November 1, 1956, or of whose possession and enjoyment the owner has been permanently deprived as a result of the provisions of Articles 24 and 25 of the said Proclamation or of any measures taken under those Articles or either of them;

(*b*) that the property at the time of such sale or deprivation was owned by a British national;

(*c*) that the property is referred to in Annex E of the Agreement;

(*d*) that the applicant was the owner at the time of such sale or deprivation or is the successor in title of such owner; and

(*e*) that the owner at the time of such sale or deprivation and any person who became successor in title of such owner on or before the 28th day of February, 1959, were British nationals on the 31st day of October, 1956, and the 28th day of February, 1959.

(2) For the purposes of sub-paragraph (*a*) of paragraph (1) of this Article, if the Commission are satisfied that the owner of the property has been permanently deprived of the possession and enjoyment of it as a result of Egyptian measures, the Commission may assume, unless the contrary appears, that the property was sold between the 30th day of October, 1956, and the 2nd day of August, 1958, under the provisions of Egyptian Proclamation No. 5 of November 1, 1956.

(3) For the purposes of sub-paragraph (*e*) of paragraph (1) of this Article, a British national who died, or in the case of a corporation or association ceased to exist, between the 31st day of October, 1956, and the 28th day of February, 1959, shall be deemed to have been a British national on the latter date and a person who had not been born, or in the case of a corporation or association had not been constituted, on the 31st day of October, 1956, shall be deemed to have been a British national on that date if such person became a British national at birth or when constituted, as the case may be."

**4.**—(1) There shall be substituted for Article 6 of the principal Order the following:—

"6.—(1) If an application under this Order relates to property sold under the provisions of Egyptian Proclamation No. 5 of November 1, 1956, and the Commission are satisfied of all the matters specified in sub-paragraphs (*b*), (*d*) and (*e*) of paragraph (1) of Article 4 but the applicant is unable to establish a claim in respect of the property under that Article, the Commission shall register the claim and report thereon to Her Majesty's Principal Secretary of State for Foreign Affairs in such manner as he shall direct.

(2) The provisions of this Article shall not apply to

(*a*) any claim in respect of property which has been sold under the provisions of Egyptian Proclamation No. 5 of November 1, 1956 in the course of carrying on a trade or business; or

(*b*) any claim in respect of property which has been sold under the provisions of the said Proclamation if any proceeds of the sale have been returned to the person who was the owner at the time of such sale or his successor in title by the Government of the United Arab Republic.

(3) Her Majesty's Principal Secretary of State for Foreign Affairs may direct that any claim registered under this Article shall be removed from the register and such claim shall then be treated for all the purposes of this Order as not registrable under this Article and notwithstanding anything in the Foreign Compensation Commission (Egyptian Claims) Rules, 1959(**a**), as amended(**b**), shall be entertained by the Commission as if a new application had been made in respect of such claim."

**5.** There shall be substituted for Article 8 of the principal Order the following:—

"8.—(1) The Commission shall treat a claim under this Part of the Order as established if the applicant satisfies them of the following matters:—

(*a*) that his application relates to property in Egypt in respect of which no claim can be established or registered under Part III of this Order and which has been lost, injured or damaged after the 30th day of October, 1956, and before the 28th day of February, 1959, as a result of Egyptian measures;

(*b*) that he was the owner at the time of such loss, injury or damage or is the successor in title of such owner; and

(*c*) that the owner at the time of the loss, injury or damage and any person who became successor in title of such owner on or before the 28th day of February, 1959, were British nationals on the 31st day of October, 1956, and the 28th day of February, 1959.

(2) For the purposes of sub-paragraph (*c*) of paragraph (1) of this Article, a British national who died, or in the case of a corporation or association ceased to exist, between the 31st day of October, 1956, and the 28th day of February, 1959, shall be deemed to have been a British national on the latter date and a person who had not been born, or in the case of a corporation or association had not been constituted, on the 31st day of October, 1956, shall be deemed to have been a British national on that date if such person became a British national at birth or when constituted, as the case may be."

**6.**—(1) There shall be added to Article 12 of the principal Order the following paragraph:—

"(2) The Commission shall separately record the nature and amount of any compensation or recoupment which they take into account in accordance with paragraph (1) of this Article in assessing the amount of any loss."

(2) The first paragraph of Article 12 of the principal Order shall be numbered (1).

**7.** This Order shall come into operation on the 2nd day of January, 1961, and may be cited as the Foreign Compensation (Egypt) (Determination and Registration of Claims) (Amendment) Order, 1960.

*W. G. Agnew.*

(**a**) S.I. 1959/640 (1959 I, p. 1368). (**b**) S.I. 1959/1887, 1960/597 (1959 I, p. 1378; 1960 II, p. 1555).

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order, 1959 (as previously amended). Its principal purposes are :—

(i) to enable claims to be established under Article 4 of the Order in respect of insurance undertakings which were liquidated under Articles 24 and 25 of Egyptian Proclamation No. 5 of November 1, 1956 ;

(ii) to facilitate the establishment of other claims under Article 4 of the Order in cases in which the applicants have been unable to obtain formal evidence of the sale or of the date of sale of their properties under the said Proclamation ;

(iii) to clarify the provisions of Articles 4 and 8 of the Order concerning proof of British nationality ;

(iv) to make certain changes in the arrangements regarding the registration of claims under Article 6 of the Order.