1960 No. 2212

The Foreign Compensation (Egypt) (Interim Distribution) (Amendment) Order, 1960

Made - - - -	30*th November*, 1960
Laid before Parliament	6*th December*, 1960
Coming into Operation	7*th December*, 1960

At the Court at Buckingham Palace, the 30th day of November, 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 distribution by the Foreign Compensation Commission (hereinafter referred to as "the Commission") of compensation received under agreements with foreign Governments:

And Whereas provision was made by the Foreign Compensation (Egypt) (Interim Distribution) Order, 1959(b), (hereinafter referred to as "the principal Order") for an interim distribution of sums received from the Government of the United Arab Republic under an Agreement entered into between Her Majesty's Government and the Government of the United Arab Republic on the 28th day of February, 1959(c):

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. At the end of the definition of the expression "the Determination Order" in paragraph (2) of Article 1 of the principal Order there shall be added, before the semi-colon, a comma followed by the words "and any amendments thereto".

2. There shall be added to Article 3 of the principal Order the following paragraph:—

"(3) If it shall appear to Her Majesty's Principal Secretary of State for Foreign Affairs that any sum notified by him in writing to the Commission as a deduction pursuant to paragraph (2) of this Article was in excess of the sum which in all the circumstances it was appropriate to deduct, he may at any time thereafter, acting on the advice of the Board referred to in that paragraph, notify in writing some lesser sum as an appropriate deduction in lieu of the sum previously notified, and the Commission shall thereupon adjust the amount of the interim payment and (if the case requires) make an additional payment accordingly."

3. There shall be added at the end of sub-paragraph (*b*) of Article 5 of the principal Order the following:—

"provided that, if the provisional determination of the Commission shall have been reviewed by the Commission, then—

(i) the Commission shall, unless the provisions of (iii) below apply,

(a) 14 Geo. 6. c. 12. (b) S.I. 1959/1291 (1959 I, p. 1389).
(c) Treaty Series No. 35 (1959), Cmnd. 723.

make any necessary amendments to any record or report already made;

(ii) for the purposes of any record, report or payment made by the Commission after the date of such review the amount of the loss shall be taken to be the amount (if any) so determined on review;

(iii) if the amount of the loss so determined on review shall exceed the amount provisionally determined, the provisions of Article 4 of the present Order shall apply as if the applicant had established a further claim for the amount of such excess;

(iv) if the amount of the loss so determined on review shall be less than the amount provisionally determined, the Commission shall deduct from any further payment which may become due to the applicant out of the Fund the sum by which the amount of the interim payment already made exceeds the amount which ought to have been paid under the provisions of Article 3 of the present Order as calculated on the basis of the reduced amount of the loss."

4.—(1) There shall be inserted after Article 8 of the principal Order the following new Article which shall be numbered 8A:—

"When a claim has been established under the Determination Order in respect of any property of an unincorporated association or in respect of any property subject to a trust and no person who, in the opinion of the Commission, has authority to receive and give a good discharge for payment under the present Order applies to the Commission for payment within six months from the date on which the Commission has given notice of the determination of the amount of loss under Rule 35 of the Rules, the Commission may, at its discretion, pay the amount payable under the present Order in respect of such claim to the Public Trustee or into the Supreme Court under the provisions of the Trustee Act, 1925(a), and may in any such case dispense with any such surrender or renunciation as is required by paragraph (1) of Article 8 of the present Order as a condition of payment."

(2) In paragraph (1) of Article 8 of the principal Order there shall be added after the words "paragraph (2) of this Article" and before the comma the words "and of Article 8A of the present Order".

5.—(1) The Schedule to the present Order shall be substituted for the Schedule to the principal Order.

(2) In every case in which the total amount of loss assessed by the Commission in respect of the claim or claims established by any applicant exceeds £10,000 and the Commission has before the coming into operation of the present Order reported the whole or part of such amount to Her Majesty's Principal Secretary of State for Foreign Affairs pursuant to paragraph (2) of Article 2 or paragraph (2) of Article 4 of the principal Order, the Commission shall record with respect to such claim or claims a sum representing the difference between the sum calculated in accordance with the Schedule to the present Order with reference to the total amount of loss so reported by the Commission and the sum calculated in accordance with the Schedule to the principal Order with reference to such amount.

(3) The Commission shall report to Her Majesty's Principal Secretary of State for Foreign Affairs the amount of the difference so calculated.

(a) 15 & 16 Geo. 5. c. 19.

(4) The provisions of Article 3 of the principal Order, as amended by the present Order, shall apply with respect to the said difference as if it were a sum calculated in accordance with paragraph (1) of Article 2 of the principal Order.

6. This Order shall come into operation on the 7th day of December, 1960, and may be cited as the Foreign Compensation (Egypt) (Interim Distribution) (Amendment) Order, 1960.

W. G. Agnew.

SCHEDULE

Where the amount of the loss assessed by the Commission under the Determination Order	The sum calculated shall be:—
(1) does not exceed £5,000	70 per cent. of the amount assessed.
(2) exceeds £5,000 but does not exceed £50,000	£3,500 and 50 per cent. of the balance of the amount assessed over £5,000.
(3) exceeds £50,000 but does not exceed £500,000	£26,000 and 25 per cent. of the balance of the amount assessed over £50,000.
(4) exceeds £500,000	£138,500 and 20 per cent. of the balance of the amount assessed over £500,000.

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) (Interim Distribution) Order, 1959. Its principal purposes are:—

(i) to enable the amount of any deduction notified to the Foreign Compensation Commission by Her Majesty's Principal Secretary of State for Foreign Affairs under paragraph (2) of Article 3 of the Order in respect of any *ex gratia* loan made to the applicant or his predecessor in title by Her Majesty's Government to be reduced in certain circumstances;

(ii) to provide for appropriate adjustments to be made when a provisional determination made by the Commission is varied on review;

(iii) to enable the Commission to make payments under the Order to the Public Trustee or into the Supreme Court in certain cases where there is no other person authorised to receive payment on behalf of the beneficiary;

(iv) to provide for increased interim payments of compensation with respect to claims established under the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order, 1959, S.I. 1959/625 (1959 I, p. 1384), as amended, in all cases where the amount of the loss assessed by the Commission exceeds £10,000.