1959 No. 1291

The Foreign Compensation (Egypt) (Interim Distribution) Order, 1959

Made - - ' -	28*th July*, 1959
Laid before Parliament	29*th July*, 1959
Coming into Operation	30*th July*, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother

Her Royal Highness The Princess Alexandra of Kent

Lord President	**Mr. Brooke**
Earl of Selkirk	**Mr. Aubrey Jones**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

And 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 for the distribution by the Commission of such compensation:

And Whereas provision for the determination of such claims was made by the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order, 1959(b):

And Whereas it is expedient that provision should be made for an interim distribution of sums received from the Government of the United

(a) 14 Geo. 6. c. 12. (b) S.I. 1959/625 (Pt. I, p. 1384, of this vol.).

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(a):

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by the Act or otherwise in Her Majesty vested, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

PART I

INTERPRETATION

1.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of the present Order as it applies to the interpretation of an Act of Parliament, and as if the present Order were an Act of Parliament.

(2) In the present Order:—

"the Determination Order" means the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order, 1959(c);

"the Fund" means the fund referred to in Article 2 of the Determination Order;

"the Rules" means the Foreign Compensation Commission (Egyptian Claims) Rules, 1959(d), and any amendments that may be made thereto;

"the Schedule" means the Schedule to the present Order.

PART II

PAYMENTS OUT OF THE FUND

2.—(1) After the Commission has assessed under the Determination Order the amount of loss in respect of a claim or claims established by an applicant, the Commission shall record, with reference to the total amount of loss assessed by the Commission in respect of the said claim or claims, a sum calculated in accordance with the Schedule.

(2) The Commission shall report to Her Majesty's Principal Secretary of State for Foreign Affairs the said total amount of loss and the amount of the sum so calculated.

3.—(1) The Commission shall make an interim payment out of the Fund to each person who has established a claim under the Determination Order and who applies to the Commission for payment.

(2) The amount of the payment to be made by the Commission under paragraph (1) of this Article shall be the sum calculated in accordance with paragraph (1) of Article 2 of the present Order less such sum (if any) as Her Majesty's Principal Secretary of State for Foreign Affairs, acting on the advice of a Board to be appointed by him for the purpose, shall notify in writing to the Commission as an appropriate deduction in respect of any *ex gratia* loan made to the applicant or his predecessor in title by Her Majesty's Government.

4.—(1) If an applicant establishes a further claim or claims in addition to any claim or claims in respect of which a sum has been recorded under

(a) Treaty Series No. 35 (1959), Cmd. 723. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1959/625 (Pt. I, p. 1384, of this vol.). (d) S.I. 1959/640 (Pt. I, p. 1368, of this vol.).

paragraph (1) of Article 2 of the present Order, the Commission shall record with respect to such further claim or claims a sum representing the difference between the sum calculated in accordance with the Schedule with reference to the total amount of loss assessed by the Commission in respect of the claim or claims previously established by the applicant and a sum calculated in accordance with the Schedule with reference to the total amount of loss assessed by the Commission in respect of all claims established by the applicant.

(2) The Commission shall report to Her Majesty's Principal Secretary of State for Foreign Affairs the amount assessed in respect of such further claim or claims and the amount of the difference so calculated.

(3) The provisions of Article 3 of 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.

PART III

GENERAL

5. For the purposes of the present Order :—

(*a*) a claim shall be deemed to be established under the Determination Order even though the determination may be subject to review under Rule 38 of the Rules:

(*b*) the amount of the loss assessed by the Commission shall be taken to be the amount provisionally determined to be the amount of such loss, subject to review, in accordance with Rule 38 of the Rules.

6. Where any amount which is material to the determination of an application made under the Determination Order is expressed in a unit of foreign currency, the value in sterling of that amount shall be determined in accordance with the following provisions :

(*a*) if the amount is expressed in Egyptian currency the rate of exchange applicable shall be calculated by using the respective parity values for the Egyptian pound and the pound sterling declared to the International Monetary Fund on the 27th day of July, 1956 :

(*b*) if the amount is expressed in any other foreign currency the rate of exchange applicable shall be the middle rate of telegraphic transfers ruling in the London market on the 27th day of July, 1956, or, if there was no such rate, such rate as the Treasury may determine.

7.—(1) If any person who has established a claim under the Determination Order shall have died before the amount payable to him under the present Order has been paid to him, such payment shall be made to his legal personal representatives if they apply to the Commission for payment.

(2) If any person whose claim has been established under the Determination Order is an infant at the date when the amount payable to him under the present Order is due to be paid, the Commission may make payment thereof into the Supreme Court or, if the amount thereof does not exceed five hundred pounds, into the County Court for the district in which the infant resides, under the provisions of the Trustee Act, 1925(a).

8.—(1) Subject to the provisions of paragraph (2) of this Article, the Commission shall, as a condition of the making of any payment to any person under the present Order, require him to surrender to the Commission

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

all available documents of title, if any, relating exclusively to the claim to which the payment relates, and, if he is unable to produce such documents of title, shall require him to sign and deliver to the Commission a document in such form as the Commission may determine declaring that he renounces all those claims which he has established under the Determination Order.

(2) If the person for whose benefit a payment is to be made is an infant, the Commission shall, as a condition of the making of any payment into the Court under paragraph (2) of Article 7 of the present Order, require the person who, in accordance with the Rules has made an application for payment on the infant's behalf to surrender to the Commission the documents of title, if any, under his control relating exclusively to the claim, and to sign and deliver to the Commission a document in such form as the Commission may determine declaring that the infant renounces all claims to which the payment relates; and the document so signed shall operate as a valid surrender by the infant of all such claims.

9. All documents which are delivered to the Commission under Article 8 of the present Order shall remain in their custody until the final payment with respect to that claim has been made out of the Fund, or until the Fund has been wound up, whichever is the earlier, and the Commission shall then deliver those documents to Her Majesty's Principal Secretary of State for Foreign Affairs.

PART IV

COMING INTO OPERATION AND CITATION

10. The present Order shall come into operation on the 30th day of July, 1959, and may be cited as the Foreign Compensation (Egypt) (Interim Distribution) Order, 1959.

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 £10,000.	£3,500, and 50 per cent. of the balance of the amount assessed over £5,000.
(3) exceeds £10,000 but does not exceed £25,000.	£6,000, and 25 per cent. of the balance of the amount assessed over £10,000.
(4) exceeds £25,000	£9,750, and 5 per cent. of the balance of the amount assessed over £25,000.

EXPLANATORY NOTE

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

This Order provides for interim payments to be made by the Foreign Compensation Commission with respect to claims established under the Foreign Compensation (Egypt) (Determination and Registration of Claims) Order, 1959.