1959 No. 1041

The Foreign Compensation (Hungary) (Amendment) (No. 2) Order, 1959

Made - - - -	15*th June*, 1959
Laid before Parliament	19*th June*, 1959
Coming into Operation	20*th June*, 1959

At the Court at Buckingham Palace, the 15th day of June, 1959

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 for the distribution by the Commission of such compensation:

And Whereas such provision was made by the Foreign Compensation (Hungary) Order, 1958(**b**), as amended by the Foreign Compensation (Hungary) (Amendment) Order, 1959(**c**) (hereinafter referred to together as " the Order "), in respect of compensation received from the Government of the Hungarian People's Republic under an Agreement entered into between Her Majesty's Government and the Government of the Hungarian People's Republic on the twenty-seventh day of June, 1956(**d**):

And Whereas it is now deemed expedient to make certain amendments to the 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 Article 11 of the Order the following:—

" No application under any Part of this Order shall be entertained by the Commission if—

(*a*) it relates to any of the loans or obligations listed in either part of the Schedule to the Order; or

(*b*) it is in respect of a loss suffered as a result of a Hungarian measure (as defined in Article 38 of the Order) affecting any security constituted under or in connexion with any of the loans or obligations listed in either part of the Schedule to the Order."

(a) 14 Geo. 6. c. 12. (b) S.I. 1958/594 (1958 I, p. 1212).
(c) S.I. 1959/106 (Pt. I, p. 1393, of this vol.). (d) Treaty Series No. 30 (1956) Cmd. 9820.

2. The Schedule to the present Order shall be annexed, as a Schedule, to the Order.

3. There shall be substituted for Article 15 of the Order the following :—

" For the purposes of this Order :

(1) The expression " British national " shall mean—

(*a*) any individual who at the relevant date was (or would have been if the British Nationality Act, 1948(**a**), and the British Protectorates, Protected States and Protected Persons Orders in Council, 1949 to 1958(**b**), had then been in force) a citizen of the United Kingdom and Colonies, a citizen of Southern Rhodesia, a British subject without citizenship (as defined in Section 13 of that Act) or a British protected person (as defined by Section 32 of that Act): provided that, as regards any relevant date prior to the sixteenth day of May, 1948, the expression " British protected person " shall be deemed to include a person who was at that date a Palestinian citizen under the Palestinian Citizenship Orders, 1925 to 1942(**c**) ;

(*b*) any company or other juridical person which at the relevant date was incorporated or constituted under the laws in force in the United Kingdom or in any territory for whose international relations Her Majesty's Government were on the twenty-seventh day of June, 1956, responsible.

(2) The expression " Hungarian national " shall mean—

(*a*) any physical person possessing Hungarian citizenship ;

(*b*) any company or other juridical person incorporated or constituted under Hungarian law."

4. There shall be substituted for sub-paragraph (2) of Article 19 of the Order the following :—

" that his application relates to a debt owed to a British national on the twenty-seventh day of June, 1956 ; or to a balance held on the fifteenth day of September, 1947, at a bank in Hungary by a British national and held by a British national from that date until the twenty-seventh day of June, 1956."

5. There shall be substituted for Article 39 of the Order the following :—

" If any transfer of property or of any interest in property, to which a claim relates was effected in Hungary between the eighth day of April, 1941, and the twentieth day of January, 1945, that transfer shall be deemed for the purposes of this Order to have been null and void if it was effected under fraud or duress or without the consent of the person to whom the property or interest in property belonged at the date of such transfer."

6. This Order shall come into operation on the 20th day of June, 1959, and may be cited as the Foreign Compensation (Hungary) (Amendment) (No. 2) Order, 1959.

W. G. Agnew.

(a) 11 & 12 Geo. 6. c. 56.
(b) S.I. 1949/140, 1952/457, 1417, 1953/1773, 1958/259, 590 (1949 I, p. 522; 1952 I, pp. 437, 436; 1953 I, p. 188; 1958 I, pp. 245, 246).
(c) S.R. & O. 1925/777, 1931/671, 1939/863, 1941/1121, 1942/1177 (1925, p. 474; 1931, p. 467 ; 1939 II, p. 1658; 1941 I, p. 356; 1942 I, p. 216).

SCHEDULE

PART I

Loans or obligations issued or guaranteed by the Hungarian State or by any Hungarian Municipal Authority; and Loans or Obligations of the former Austro-Hungarian Monarchy:—

(1) HUNGARIAN 4% GOLD RENTES ...	1881, 1885, 1888, 1892, 1893 and 1902.
(2) HUNGARIAN CONSOLIDATED MUNICIPAL BONDS	(i) 7½% Ext. S.F. Loan 1925 (dollar). (ii) 7% S.F. Loan 1926 (dollar).
(3) HUNGARIAN 4% CONSOLIDATED STATE RENTES, 1910	
(4) HUNGARIAN 4½% RENTES, 1913	
(5) HUNGARIAN 4½% RENTES, 1914	
(6) HUNGARIAN 3% STATE GOLD (IRON GATES) LOAN 1895	
(7) HUNGARIAN LOAN 6% 1925 FRENCH ISSUE	
(8) KINGDOM OF HUNGARY 6½% LOAN 1924 (FRANCS)	
(9) KINGDOM OF HUNGARY 6% TREASURY NOTES 1925 (FRANCS) AND 1930 (SWISS FRANCS)	
(10) KINGDOM OF HUNGARY 4% STATE BOND 1910	
(11) ROYAL HUNGARIAN BONDS 4% 1903 KORONA ISSUE	
(12) ROYAL HUNGARIAN CONSOLIDATED DEBENTURES 4% 1903	
(13) ROYAUME DE HONGRIE—OBLIGATION AU PORTEUR DE 100,000 COURONNES TCHECOSLOVAQUES	Issued in virtue of paragraph 3 of Article 2 of the Agreement relating to obligations resulting from the Treaty of Trianon, signed in Paris 28th April, 1930.
(14) STATE LOAN OF THE KINGDOM OF HUNGARY 1924	(i) 4½% (formerly 7½%) Sterling Bonds. (ii) 4½% (formerly 7½%) Dollar Bonds. (iii) 4½% (formerly 7%) Lire Bonds. (iv) 4½% (formerly 7½%) Dutch Florin Bonds. (v) all other tranches.
(15) CITY OF BUDAPEST	(i) 4% Sterling Loan 1910. (ii) 4% Loan 1911 (Franc). (iii) 4½% Loan 1914 (Sterling) (iv) 6% Ext. S.F. Loan 1927 (Dollar). (v) all other tranches.
(16) COUNTIES OF HUNGARY	(i) 7½% 20 Year Sterling Bonds, 1926. (ii) 6% Sterling Bonds, 1927, Series B.
(17) AUSTRO - HUNGARIAN CHARTERED STATE RAILWAY (S. T.E.G.)	(i) 3% Gold Bonds. (ii) 4% Loan 1900.
(18) 3% STATE GOLD LOAN 1895	
(19) 5% AUSTRO - HUNGARIAN BANK LIQUIDATION BONDS	
(20) 5% STATE LOAN 1925	
(21) 3½% GOVERNMENT BONDS 1926	
(22) 6% REDEEMABLE BONDS 1928	
(23) 5% DEVISEN LOAN 1931	

PART II

Loans and obligations issued by Hungarian Banks or by other Hungarian Corporations or Associations:—

(1) A.G. FÜR DEN BAU DES NEUEN BUDAPESTER WETTRENNPLATZES	8% 1st Mortgage Second Preferred Dollar Bonds, 1951.
(2) BUDAPEST SZEKESFOVAROSI KOZLEKEDESI R.T.	6% Series A Bonds.
(3) BUDAPEST KOZUTI VASPALYA TARSASAG	4% Bond (Korona Issue).
(4) BRITISH AND HUNGARIAN BANK LTD. (MAGYAR BANK ES KERESKEDELMI R.T.) (ANGOL MAGYAR BANK RESZVENYTARSASAG)	(i) 7½% 35 year Sinking Fund Mortgage Sterling Gold Bonds—1963. (ii) 7½% Dollar issue.
(5) CITY OF BUDAPEST MUNICIPAL SAVINGS BANK COMPANY LIMITED (BUDAPEST SZEKESFOVAROSI KOZSEGI TAKAREKPENZTAR RESZVENYTARSASAG)	(i) 7½% Land Mortgage Bonds—Sterling Issue—Series A (7½%—OS "A" Sorozatu Zaloglevel). (ii) 7½% Land Mortgage Bond—Sterling Issue—Series B. (iii) 7½% Mortgage Bonds — Swiss francs—Series C.
(6) CITY SAVINGS BANK COMPANY OF BUDAPEST (BELVAROSI TAKAREK-PENZTAR RESZVENYTARSASAG, BUDAPEST)	(i) 7½% 35 year First Mortgage Gold Bond — Sterling Issue — Series A. (35 eves 7½%—os elso helyenbiztositott). (ii) 7½% 35 year First Mortgage Gold Bonds—Sterling Issue—Series B. (iii) 7½% 35 year Municipally Secured Gold Bonds—Sterling Issue—Series B. (7½% Kal Kamatozo 35 Eves.) (iv) 7% 25 year First Mortgage Gold Bonds Dollar issue. (v) 7% 25 year Sinking Fund Secured Gold Bond (Dollar issue).
(7) COMPAGNIE DES CHEMINS DE FER DANUBE-SAVE-ADRIATIQUE	Obligation au Porteur à Revenu Variable.
(8) EGYESULT BUDAPESTI FOVAROSI TAKAREKPENZTAR (VEREINIGTEN BUDAPESTER HAUPTSTADTISCHEN SPARCASSA)	4½% os—Zaloglevele (4½%—iger Pfandbrief).
(9) ELSO MAGYAR CERNAGYAR R.T. (ERSTE UNGARISCHE ZWIRNFABRIK A.G.)	9% Bearer Debentures.
(10) FIRST NATIONAL SAVINGS BANK CORPORATION OF PEST (PESTI HAZAI ELSO TAKAREKPENZTAR EGYESULET) (PESTER ERSTER VATERLÄNDISCHER SPARCASSAVEREIN)	7%—os Zaloglevelkdeson (Svajci Frank) 4% Zaloglevelkdeson (Kronen).
(11) FRANCIS CANAL COMPANY	6% Bonds.
(12) SAM F. GOLDBERGER & SONS LIMITED	7½% First Mortgage Sterling Debenture Stock.
(13) HUNGARIAN CATHOLIC FUNDS FOR CHURCH WORSHIP (HYPOTHEKAR ANLEIHE DES UNGARISCHEN KATHOLISCHEN FONDS FÜR KIRCHENDIENST)	7% Loan (Dutch Florins).
(14) HUNGARIAN CENTRAL MUTUAL CREDIT INSTITUTE (ORSZAGOS KOZPONTI HITELSZOVETKEZET).	7% Land Mortgage Sinking Fund Gold Bonds, Series A, Dollar Issue.

(15) HUNGARIAN COMMERCIAL BANK OF PEST (PESTI MAGYAR KERESKEDELMI BANK) (PESTER UNGARISCHE COMMERCIAL BANK)	(i) 4½% Kozsegi Kotveny (4½% Communal Obligation). (ii) 4% Bond. (iii) 7% Mortgage Loan of 1930—Swiss francs. (iv) 4% Zaloglevel (Kronen). (v) 6½% Communal Series A—Sterling Bonds. (vi) 4% Obligation Communale (Franc issue). (vii) 7% Dollar 35 year Bonds 1927.
(16) HUNGARIAN DISCOUNT AND EXCHANGE BANK	(i) 7½% U.S.A. Dollar Mortgage Bonds 1926 Series F. (ii) All Bonds by this Bank.
(17) HUNGARIAN FARMERS NATIONAL BANK	7% Bonds (dollar issue).
(18) HUNGARIAN GENERAL SAVINGS BANK LTD. (MAGYAR ALTALANOS TAKAREKPENZTAR RESZVENYTARSASAG)	7½% Sterling Mortgage Bonds. (Zaloglevel).
(19) HUNGARIAN ITALIAN BANK LIMITED (MAGYAR OLASZ BANK R.T.)	(i) 7½% Sterling Bonds—Series A. (ii) 7½% Thirty Five year Sinking Fund Mortgage Gold Bond—Series AC—Dollar Issue. (iii) 7% Mortgage Loan (Sterling).
(20) HUNGARIAN LAND CENTRAL SAVINGS BANK (MAGYAR ORSZAGOS KOZPONTI TAKAREKPENZTAR	(i) 7½% Gold Dollar Mortgage Bonds—Series A. (ii) 7½% Dollar Mortgage Bonds—Series B. (iii) 7½% Sterling Mortgage Bonds—Series A. (iv) 4% Mortgage Bonds 1911 (Kr. issue).
(21) HUNGARIAN LAND MORTGAGE INSTITUTE (MAGYAR FÖLDHITEL INTEZET) (UNGARISCHE BODEN - KREDITINSTITUT)	(i) 7½% Sterling Land Mortgage Bond—Series A (zaloglevel). (ii) 4% Korono issue of 1894. (iii) 7½% Sterling Land Mortgage Bond Series B. (iv) 7½% Land Mortgage Bond Dollar Issue Series A and B.
(22) THE HUNGARIAN TRANS-DANUBIAN ELECTRICAL COMPANY LIMITED	6½% " B " Debenture Stock.
(23) K.K. PRIV BÖHMISCHE WESTBAHN ...	4% Priorities.
(24) K.K. PRIV KRONPRINZ RUDOLF-BAHN	4% Gold Priority Bonds.
(25) KOMMUNAL OBLIGATION DER LANDES HYPOTHEKENANSTALT FÜR NIEDERÖSTERREICH.	6% Series 1 (Kronen).
(26) LAND MORTGAGE BANK OF HUNGARY (MAGYAR JELZALOG HITELBANK BUDAPEST) (SOCIÉTÉ DE CRÉDIT FONCIER DU ROYAUME DE HONGROISE)	(i) 4% Mortgage Gold Bond (Sterling)—Series 1. (ii) 3% Premium Bonds (Korona). (iii) 4% Premium Bonds (Korona). (iv) 4½% Községi Kötelezö—Série II (Korona). (v) 4% Nyeremeny-Kotveny (1884). (vi) Nyeremeny-jegy 4%—os nyeremeny—Kotveny 1884 (1910). (vii) 4%—os Községi Kötelezö—Series 1 (Forint).

(27) MAGYAR ALTALANOS KOSZENBANYA R.T.	4½% Gold Mortgage Loan 1901.
(28) MAGYAR HELYI ERDEKU VASUTAK R.T.	5% and 4½% Bonds.
(29) NATIONAL CENTRAL SAVINGS BANK OF HUNGARY	7½% Gold Mortgage Loan (Sterling).
(30) RIMAMURANY SALGO TARJANI VASMU R.T.	7% 30-year Bonds (Dollar issue).
(31) TEMES ES SOMOGY - VARMEGYEI EGYESULT HELYIERDEKI VASUT R.T.	3½% Mortgage Bonds.
(32) NATIONAL HUNGARIAN INDUSTRIAL MORTGAGE INSTITUTE (ORSZAGOS MAGYAR IPARI JELZALOGINTEZET, R.T.)	7% Dollar Loan.
(33) FIRST NATIONAL SAVINGS BANK CORPORATION OF PEST.	7½% Dollar Mortgage Bonds 1926.

EXPLANATORY NOTE

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

The purpose of this Order is to amend the Foreign Compensation (Hungary) Order, 1958 (as previously amended) in the following respects :—

(i) by scheduling to that Order a list of loans and obligations in respect of which no application can be received by the Commission and amending Article 11 of the Order so that it refers to this Schedule ;

(ii) by amending sub-paragraph (2) of Article 19 of the Order so that it specifically provides that if an application relates to a debt, the debt must have been owed to a British national on 27th June, 1956 ;

(iii) by amending the definition of " British nationals " in Article 15 of the Order so as to clarify the reference to " British protected persons " ;

(iv) by amending Article 39, which relates to transfers of property under duress, to ensure that it will apply to the whole of the Order.