1954 No. 219

The Foreign Compensation (Hungary) (Registration) Order, 1954

Made - - - -	*1st March*, 1954
Laid before Parliament	*2nd March*, 1954
Coming into Operation	*3rd March*, 1954

At the Court of Saint James, the 1st day of March, 1954

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.

Lord President	**Chancellor of the Duchy of Lancaster**
Lord Privy Seal	**Mr. Chancellor of the Exchequer**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, 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 of anything for which Her Majesty's approval in Council is required ;

And Whereas the Foreign Compensation Act, 1950(a) (hereinafter referred to as " the Act ") provides for the constitution for the purposes of the Act of a Commission, to be called the Foreign Compensation Commission (hereinafter referred to as " the Commission ") ;

And Whereas by Section 3 of the Act Her Majesty is authorised, if Her Majesty's Government in the United Kingdom enter into or contemplate an agreement with the Government of any foreign country providing for the payment of compensation by the latter Government, to make provision by Order in Council for the registration by the Commission of claims to participate in such compensation, and for the making of reports by the Commission with respect to such claims ;

And Whereas Her Majesty's Government in the United Kingdom contemplate such an agreement with the Government of the Hungarian People's Republic although no such agreement has as yet been negotiated ;

And Whereas it is now deemed expedient that provision for the registration of claims and the making of reports should be made in pursuance of the aforementioned provisions of Section 3 of the Act ;

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by Section 3 of

(a) 14 Geo. 6. c. 12.

the Foreign Compensation Act, 1950, 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:—

1. The Commission shall receive claims (as defined in Article 10 of this Order) from the persons qualified under Article 4 in respect of losses suffered in connexion with property (as defined in Article 7) or an interest in property (as defined in Article 8) which is British (as defined in Article 5) and which has been affected by a Hungarian measure (as defined in Article 11).

2.—(*a*) If the claim appears to comply with the following conditions:—

(i) that at the date at which the claim is made the claimant is qualified under Article 4 of this Order ; and

(ii) that the claim relates to British property or interests in property which may have been affected by a Hungarian measure ; and

(iii) that in relation to property or an interest in property affected by a measure of Hungarian Land Reform legislation (including the measures specified in the Schedule annexed to the Order and therein numbered 1, 2, 3, and 4) no previous application for registration by Her Majesty's Government in the United Kingdom has been made ;

the claim shall be registered, and, in such manner as Her Majesty's Principal Secretary of State for Foreign Affairs shall direct, the Commission shall report upon any claims so registered.

(*b*) If Her Majesty's Principal Secretary of State for Foreign Affairs so directs, it shall then be recorded in respect of all or any of such claims whether there is, *prima facie*, reason to suppose:

(i) that by or under any Hungarian measure the claimant or his predecessor in title (as defined in Article 6 of this Order) has been deprived of title to, or enjoyment of, property or an interest in property, which was British at the relevant date (as defined in Article 9) or has, by action taken under the authority of such a measure, been deprived of the legal right thereto ; and

(ii) that the claimant or his predecessor in title, or the estate of which he or his predecessor in title is or was a trustee or trustees, has suffered a loss as a result of such deprivation,

and, in the case of every claim where there is, *prima facie*, reason to suppose that the claimant has established or can establish the facts referred to in sub-paragraphs (i) and (ii) of this paragraph, there shall also be recorded an assessment of the loss.

(*c*) The Commission shall report upon claims recorded in accordance with paragraph (*b*) of this Article in such manner as Her Majesty's Principal Secretary of State for Foreign Affairs shall direct.

3. In exercising their functions under this Order, the Commission shall act in their administrative capacity.

4. The following persons shall be qualified to apply to the Commission for registration of their claims under this Order:—

(*a*) Her Majesty's Government in the United Kingdom and the Government of any territory for the foreign relations of which Her Majesty's Government in the United Kingdom are responsible ;

(*b*) Individuals who are:

(i) Citizens of the United Kingdom and Colonies, or

(ii) Citizens of Southern Rhodesia, or

(iii) British-protected persons as defined in sub-section (1) of Section 32 of the British Nationality Act, 1948(a), or

(iv) British subjects without citizenship :

(*c*) Corporations incorporated under the laws in force in the United Kingdom or in any territory for the foreign relations of which Her Majesty's Government in the United Kingdom are responsible ; and

(*d*) Individuals or corporations of any nationality who have succeeded otherwise than by assignment (or would, but for the Hungarian measure giving rise to a claim, have so succeeded) to the rights of such an individual or body as aforesaid in relation to the property or interest in property to which the claim relates.

5.—(*a*) Property or an interest in property shall be deemed to have been British if legally or beneficially at the relevant date the property was owned or held by, or the interest was the interest of

(i) Her Majesty's Government in the United Kingdom or the Government of any territory for the foreign relations of which Her Majesty's Government in the United Kingdom are responsible ; or

(ii) Any individual who was a British subject without citizenship or a citizen of the United Kingdom and Colonies or a citizen of Southern Rhodesia or a British protected person, or who would have been within one of these categories of persons if the British Nationality Act, 1948, had been in force at the relevant date ; or

(iii) Any corporation incorporated under the laws in force in the United Kingdom or Colonies or in any territory for the foreign relations of which Her Majesty's Government in the United Kingdom were responsible.

(*b*) For the purposes of paragraph (*a*) of this Article a person shall be deemed to be the owner or holder of property or an interest in property if he possessed the title thereto in his own name or if it was held on his behalf by a trustee or nominee.

6. In this Order the expression " predecessor in title " means any person from whom a person making a claim under this Order

(*a*) has, on or before the date of this Order, succeeded, whether by assignment or otherwise, to the property, or interest in property, to which the claim relates ; or

(*b*) has, after the date of this Order, succeeded otherwise than by assignment, or would, but for the Hungarian measure giving rise to the claim, have so succeeded after that date to the property or interest in property to which the claim relates.

7.—(*a*) In this Order, the expression " property " means property of any kind, movable or immovable, and includes a debt which the claimant or his predecessor in title has, by or under one of the measures defined in Article 11, been deprived of the legal right to recover.

(*b*) If a claim under this Order is made by a trustee and by a beneficiary in relation to the same property or interest in property, the claim made by the trustee shall be registered in preference to that made by the beneficiary, if it appears that the trustee is a qualified person under Article 4 of this Order.

(a) 11 & 12 Geo. 6. c. 56.

8.—(*a*) (i) If a person holds stocks or shares in any corporation incorporated under the laws in force in Hungary, he shall be deemed to have an interest in the property of that corporation.

(ii) If a person holds stocks or shares in any corporation incorporated under the laws in force in any country (other than Hungary or the United Kingdom or any territory for the international relations of which Her Majesty's Government in the United Kingdom are responsible), he shall be deemed, for the purposes of this Order, to have an interest in the property of that corporation.

(*b*) If any corporation to which the provisions of paragraph (*a*) of this Article apply held at the relevant date stocks or shares in another corporation incorporated under the laws of Hungary, the property in which such interest is held shall, for the purposes of this Order, be deemed to be property owned or held by the first corporation to the extent of that interest.

9. For the purposes of this Order, "the relevant date" shall, at the option of the claimant, be:—

(*a*) the date of entry into force of the Hungarian law or decree by or under which the property or interest in property was affected, or, if the property consists of a debt, of the Hungarian law or decree under the authority of which action was taken depriving the claimant or his predecessor in title of the legal right to recover the debt, or

(*b*) the date on which the claimant or his predecessor in title was deprived of title to or of the enjoyment of the property or interest in property (or of the legal right to recover a debt) to which the claim relates.

10. In this Order the expression "claim" means an application, made in such form as may be required by the Foreign Compensation Commission, to register a loss suffered, in respect of property or an interest in property affected by measures referred to in Article 11 of this Order with a view to participation in any compensation which may be paid by the Hungarian Government to Her Majesty's Government in the United Kingdom. The expression "claim" shall not include any valid claim made by a United Nations national under the Treaty of Peace signed at Paris on the 10th February, 1947(**a**), between, *inter alia*, the United Kingdom of Great Britain and Northern Ireland and Hungary.

11. In this Order, the expression "Hungarian measure" means a measure of nationalisation, expropriation, dispossession or any other similar measure which has been enacted in Hungary between the 20th January, 1945, and the date when an agreement is concluded between Her Majesty's Government in the United Kingdom and the Government of the Hungarian People's Republic providing for the payment of compensation in respect of such measures by the Government of the Hungarian People's Republic or such other date as may hereafter be specified by Her Majesty by Order in Council, and which is either specified in the Schedule to this Order or notified by the Secretary of State to the Foreign Compensation Commission.

12. The Commission may draw up such directions as are necessary as guidance for claimaints in connexion with applications for registration, and these directions shall be submitted to the Secretary of State for approval before they are issued.

(a) "Treaty Series No. 54 (1948)," Cmd. 7485.

13.—(*a*) This Order may be cited as the Foreign Compensation (Hungary) (Registration) Order, 1954.

(*b*) This Order shall come into operation on the third day of March, 1954.

And the Right Honourable Anthony Eden, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew.

SCHEDULE

A.—Land Reform Legislation

No.	*Title*	*No. of Law*
1.	Law concerning the Abolition of the System of Big Estates and the Distribution of Land to the Agricultural Population (Incorporating Decree No. 600/1945)	VI/1945
2.	Law concerning Land Settlement and the furtherance of the work of completing the execution of the Land Reform Scheme	IX/1946
3.	Law concerning further measures required for the Completion of the Land Reform Scheme	V/1947
4.	Law concerning the Adiustment of certain Questions arising in connexion with the Final Implementation of the Land Reform and Settlement Scheme	XXIV/1949

B.—Nationalisation Legislation

No.	*Title*	*No. of Law*
1.	Law concerning the Nationalisation of Coal Mining	XIII/1946
2.	Law concerning the Nationalisation of the Power Stations and Transmission Lines of certain Electricity Works and other provisions connected with the Distribution of Electric Power...	XX/1946
3.	Law concerning the Expropriation by the State of all Hungarian-owned Shares in the National Bank of Hungary and in the Joint-stock Banks included in Category 1 of the Central Corporation of Hungarian Banking Companies	XXX/1947
4.	Law concerning the Nationalisation of Bauxite Mining and Aluminium Production	XIII/1948
5.	Law concerning the Nationalisation of certain Industrial Enterprises	XXV/1948
6.	Law concerning the Nationalisation of Schools	XXXIII/1948
7.	Decree concerning the Nationalisation of certain Industrial and Transport Undertakings	20/1949
8.	Decree concerning the Implementation of Decree No. 20/1949 ...	1/M.T./1950
9.	Order forbidding Private Persons to function as Wholesale Merchants or Traders	19/M.T./1950
10.	Decree concerning the Regulation of the Forwarding Trade ...	214/M.T./1950
11.	Decree concerning the Regulation of Travel Agencies	232/M.T./1950
12.	Decree concerning the Nationalisation of House Property ...	4/1952
13.	Decree concerning the Implementation of Decree No. 4/1952 ...	14/M.T./1952
14.	Ordinance concerning certain Rules of Procedure connected with the Nationalisation of House Property	3/B.M./1952

EXPLANATORY NOTE

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

This Order, which is made under Section 3 of the Foreign Compensation Act, 1950, enables claims arising out of the nationalisation and expropriation of British property or interests in property in Hungary to be registered with, and reported upon by, the Foreign Compensation Commission.