tion (Poland) (Nationalisation Claims) Order, 1956(a), to the debtor or to the property of the debtor, any application made to the Commission in respect of such debt shall be entertained by the Commission under that Order and not under the present Order."

2.—(*a*) This Order may be cited as the Foreign Compensation (Poland) (Debts) (Amendment) Order, 1957.

(*b*) This Order shall come into operation on the 31st day of January, 1957.

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

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Foreign Compensation (Poland) (Debts) Order, 1956, by providing that applications in respect of certain banking or commercial debts affected by Polish measures of nationalisation or expropriation, or other similar measures, are not to be entertained by the Foreign Compensation Commission under that Order, but under the Foreign Compensation (Poland) (Nationalisation Claims) Order, 1956.

1957 No. 1366

The Foreign Compensation (Poland) (Debts) (Amendment No. 2) Order, 1957

Made - - - -	31*st July*, 1957
Laid before Parliament	7*th August*, 1957
Coming into Operation	8*th August*, 1957

At the Court at Goodwood House, the 31st day of July, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is authorised by the Foreign Compensation Act, 1950(b) (hereinafter referred to as "the Act"), to make provision by Order in Council 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 (Poland) (Debts) Order, 1956(c), as amended by the Foreign Compensation (Poland) (Debts) (Amendment) Order, 1957(d) (hereinafter referred to together as "the Order"):

(a) S.I. 1956/618 (1956 I, p. 1043).
(b) 14 Geo. 6. c. 12.
(c) S.I. 1956/617 (1956 I, p. 1036).
(d) S.I. 1957/100 (p. 1026 above).

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. In paragraph (*c*) of Article 7 of the Order, there shall be added after the words "Section 32 of the British Nationality Act, 1948", and before the colon, the following words:—

"or who are (or would have been, had the Southern Rhodesian Citizenship and British Nationality Act, 1949, been in force at the relevant date) citizens of Southern Rhodesia".

2. There shall be substituted for paragraphs (*a*) and (*b*) of Article 13 of the Order the following:—

"(*a*) In this Order the expression "debt" means a sum due or owing, or a claim for unliquidated damages, or a sum deposited in a Polish bank by a Polish debtor, for the purpose of meeting in whole or in part an obligation, but not transferred;

(*b*) No application relating to a debt, as defined in paragraph (*a*) of this Article, shall be entertained by the Commission unless it is an application in respect of—

(i) a debt arising out of a contract existing on the first day of September, 1939, to which a British national was a party, and which is a debt the payment of which has been guaranteed by the Polish Government; or

(ii) a debt arising out of a bill or note guaranteed by the Polish Government; or

(iii) a debt arising out of a contract existing on the first day of September, 1939, between a British national and the Polish Govern- Government, or between a British national and an enterprise which was on that date owned, managed or controlled by the Polish Government; or

(iv) a debt arising out of a bond which was a Polish internal issue and which carried, on the first day of September, 1939, a guarantee of the Polish Government; or

(v) a banking debt or a commercial debt (as defined, respectively, in paragraph (*c*) of this Article) arising from a contract existing on the first day of September, 1939, which was (a) a debt due to a British national who was on that date ordinarily resident or ordinarily carrying on business in the United Kingdom; and (b) a debt due from a Polish debtor (other than the Polish Government or an enterprise owned, managed or controlled on that date by the Polish Government) who on that date was ordinarily resident or ordinarily carrying on business in territory which was, at that date, Polish territory.

(*c*) For the purpose of sub-paragraph (v) of paragraph (*b*) of this Article:

"*a commercial debt*" means a debt in respect of:

(i) the sale of goods; or

(ii) payments for buying, selling or agency commission, freight, storage, insurance, and other charges connected with the sale of goods; or

(iii) a contract of insurance or a contract or treaty of reinsurance, including bank and agency balances.

"*a banking debt*" means a debt which arose from an advance, loan, acceptance credit, or other facility originally granted on or before the first day of September, 1939, by a British national carrying on a banking business, and which was outstanding on the eleventh day of November, 1954."

Paragraphs (*c*) and (*d*) of Article 13 shall be re-lettered as (*d*) and (*e*). For the reference to paragraph (*a*) in the present paragraph (*c*) there shall be substituted a reference to paragraph (*b*).

3. Notwithstanding the provisions of paragraph (i) of paragraph (*a*) of Article 9 of the Order, the Commission may entertain an application which is received before the first day of October, 1957, and which relates to a debt as defined in Article 13 of the Order, as amended by Article 2 of the present Order.

4. (*a*) This Order may be cited as the Foreign Compensation (Poland) (Debts) (Amendment No. 2) Order, 1957.

(*b*) The Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

(*c*) This Order shall come into operation on the 8th day of August, 1957.

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

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Foreign Compensation (Poland) (Debts) Order, 1956—

(i) by providing a more specific definition of a "debt" for the purposes of the Order and by giving the Commission discretion to entertain, beyond the time limit originally specified in the Order, applications relating to debts as now defined;

(ii) by including in the definition of "British nationals" in Article 7 of the Order persons who are (or would have been had the Southern Rhodesian Citizenship and British Nationality Act, 1949, been in force at the relevant date) citizens of Southern Rhodesia.

(a) 52 & 53 Vict. c. 63.