1959 No. 1967

The Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) (No. 2) Order, 1959

Made - - - -	*20th November*, 1959
Laid before Parliament	*26th November*, 1959
Coming into Operation	*27th November*, 1959

At the Court at Buckingham Palace, the 20th day of November, 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), 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) (Nationalisation Claims) Order, 1956(b), as amended by the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1957(c), the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment No. 2) Order, 1957(d), the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1958(e), and the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1959(f), (hereinafter referred to together as "the Order"):

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. The Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1959(f), is hereby revoked.

2. There shall be substituted for Article 12 of the Order the following:—

"(1) Property or an interest in property shall be deemed to be British if, legally or beneficially, the property was owned or held by, or the interest was the interest of

(*a*) any individual who at the relevant date (as defined in Article 16 of this Order) was (or would have been if the British Nationality

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(a) 14 Geo. 6. c. 12.
(b) S.I. 1956/618 (1956 I, p. 1043).
(c) S.I. 1957/101 (1957 I, p. 1030).
(d) S.I. 1957/1367 (1957 I, p. 1032).
(e) S.I. 1958/595 (1958 I, p. 1226).
(f) S.I. 1959/1294.

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 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 individual who is, or would have been had the Citizenship of Rhodesia and Nyasaland and British Nationality Act, 1957, been in force at the relevant date, a citizen of Rhodesia and Nyasaland;

(*c*) any corporation, firm or association which at the relevant date as defined in Article 16 of this Order) was incorporated or constituted under the laws in force in the United Kingdom or any territory for whose international relations Her Majesty's Government were at that date responsible.

(2) For the purposes of this Order property or an interest in property owned or held by a trustee shall be deemed to be British only to the extent to which, at the relevant date, it was owned or held by the trustee on behalf of any individual, corporation, firm or association referred to in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (1) of this Article.

(3) Notwithstanding the foregoing, property shall be deemed not to have been British if legally or beneficially, it was owned or held by, or the interest was the interest of, an individual who was a British subject before the date of the commencement of the British Nationality Act, 1948, only by virtue of the provisions of the Act of 1705(d), intituled "An Act for the Naturalization of the Most Excellent Princess Sophia Electress and Duchess Dowager of Hanover and the Issue of Her Body"."

3. This Order shall come into operation on the twenty-seventh day of November, 1959, and may be cited as the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) (No. 2) Order, 1959.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends Article 12 of the Foreign Compensation (Poland) (Nationalisation Claims) Order, 1956, and revokes the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1959.

(a) 11 & 12 Geo. 6. c. 56. (b) S.I. 1949/140, 1952/457, 1953/1773, 1958/259, 590 (1949 I, p. 522; 1952 I, p. 437; 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).
(d) 4 & 5 Anne c. 14.