1957 No. 101

The Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1957

Made - - - -	*24th January*, 1957
Laid before Parliament	*30th January*, 1957
Coming into Operation	*31st January*, 1957

At the Court at Buckingham Palace, the 24th day of January, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Section 3 of the Foreign Compensation Act, 1950(a) (hereinafter referred to as "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 determination by the Foreign Compensation Commission (hereinafter referred to as "the Commission") of claims to participate in such compensation, and for the distribution by the Commission of any sums paid to them by Her Majesty's Government in the United Kingdom, being sums received under the agreement:

And Whereas such provision was made by the Foreign Compensation (Poland) (Nationalisation Claims) Order, 1956(b) (hereinafter referred to 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. In paragraph (*b*) of Article 9 of the Order there shall be added, between the words "another applicant" and the words "or from receiving", the following:—

"or from receiving an application by a beneficiary made under sub-paragraph (ii) of paragraph (*b*) of Article 14 of this Order."

2. There shall be substituted for the proviso to Article 11 of the Order the following:—

"Notwithstanding the foregoing, if the property to which sub-paragraph (*c*) of this Article applies consists of a debt, it shall not be necessary for the person making application to prove that he, or his predecessor in title, has been deprived of the legal right to recover the debt provided that he is able to satisfy the Commission that recovery of the debt has in fact become impossible as the result of the application of a Polish measure to the debtor or to the property of the debtor. The expression "the debtor" shall not include a person ordinarily resident or having a principal place

(a) 14 Geo. 6. c. 12. (b) S.I. 1956/618 (1956 I, p. 1043).

of business outside territory which, at the relevant date (as defined in Article 16 of this Order), was in Poland or under the administration of the Polish Government."

3. In paragraph (*a*) of Article 14 of the Order there shall be deleted all the words following the word "nominee", and there shall be substituted the following:—

"but shall not include a debt as defined in sub-paragraphs (i), (ii), (iii) or (iv) of paragraph (*a*) of Article 13 of the Foreign Compensation (Poland) (Debts) Order, 1956(a)".

4. There shall be substituted for paragraph (*b*) of Article 14 of the Order the following:—

"(*b*) (i) If application under this Order is made by a trustee and by a beneficiary in relation to the same claim, and both the trustee and the beneficiary are qualified under Article 7 of the Order, the Commission may entertain the application made by the trustee in preference to that made by the beneficiary, or entertain the application made by the beneficiary in preference to that made by the trustee. The Commission shall dismiss the application by the trustee or by the beneficiary, as the case may be, which it has decided not to entertain.

(ii) If a claim by a trustee is not established because the trustee is not a person qualified to make an application under Article 7 of this Order, the Commission may entertain an application by a beneficiary who is so qualified in respect of the same claim or any part of it, provided that the beneficiary's application is received by the Commission not later than the 24th day of July, 1957, or two months after the trustee's application has been dismissed, whichever may be the later date."

5. There shall be inserted after Article 15 of the Order the following new Article which shall be numbered "15A":—

"No application shall be entertained by the Commission under this Order in respect of a debt arising out of a bond or in respect of a loss sustained as a result of a Polish measure affecting any security constituted under a bond, if the bond formed part of a public issue which

(i) was issued by or carried the guarantee of either the Polish Government or a Polish municipality; or

(ii) was issued by or carried the guarantee of the Free City or Municipality of Danzig; or was issued by or secured upon the assets of any public utility undertaking of the Free City or Municipality of Danzig; or

(iii) was issued by or guaranteed by any municipality in those parts of of the former German Reich which were administered by the Polish Government on the eleventh day of November, 1954."

6. In sub-paragraph (*b*) of Article 20 of the Order there shall be added after the word "Poland" and before the semi-colon the following:—

"or in territory under the administration of the Polish Government".

7.—(*a*) This Order may be cited as the Foreign Compensation (Poland) (Nationalisation Claims) (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.

(a) S.I. 1956/617 (1956 I, p. 1036).

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) (Nationalisation Claims) Order, 1956. The principal amendments are:—

(i) a clarification of the provisions relating to the proof of deprivation of title to property consisting of a debt;

(ii) the exclusion of certain types of debts from the class of property for which compensation may be claimed under the Order;

(iii) a provision empowering the Foreign Compensation Commission, where an application in respect of the same claim is made by a trustee and by a beneficiary under the trust, to exercise their discretion as to which of the applications they will entertain.

1957 No. 1367

The Foreign Compensation (Poland) (Nationalisation Claims) (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(a) (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) (Nationalisation Claims) Order, 1956(b), as amended by the Foreign Compensation (Poland) (Nationalisation Claims) (Amendment) Order, 1957(c) (hereinafter referred to together as "the Order"):

And Whereas it is now deemed expedient to make certain amendments to the Order:

(a) 14 Geo. 6. c. 12. (b) S.I. 1956/618 (1956 I, p. 1043). (c) S.I. 1957/101 (p. 1030 above).