1959 No. 1968

The Foreign Compensation (Union of Soviet Socialist Republics) (Registration) 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 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 registration by the Foreign Compensation Commission (hereinafter referred to as "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 Union of Soviet Socialist Republics:

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, 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:—

Part I

Interpretation

1.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

(2) In this Order:—

"The Baltic States" means Lithuania (including Memel and the city and territory of Vilna), Estonia and Latvia.

"British nationals" means

(*a*) individuals who are, or would have been had the British Nationality Act, 1948(c), and the British Protectorates, Protected States and

(a) 14 Geo. 6. c. 12. (b) 52 & 53 Vict. c. 63. (c) 11 & 12 Geo. 6. c. 56.

Protected Persons Orders in Council, 1949 to 1958(a), been in force at the relevant date, citizens of the United Kingdom and Colonies, British subjects without citizenship as defined in Section 13 of that Act, or British protected persons as defined in Section 32 of that Act; provided that, as regards any relevant date prior to the sixteenth day of May, 1948, the expression "British protected persons" shall be deemed to include a person who was at that date a Palestinian citizen under the Palestinian Citizenship Orders, 1925 to 1942(b);

(*b*) individuals who are, or would have been had the Citizenship of Rhodesia and Nyasaland and British Nationality Act, 1957, been in force at the relevant date, citizens of Rhodesia and Nyasaland;

(*c*) corporations, firms and associations incorporated or constituted under the laws in force in the United Kingdom or in any territory for whose international relations Her Majesty's Government are (or were at the relevant date) responsible.

"The ceded territories" means

(*a*) those territories whose cession to the Union of Soviet Socialist Republics by Finland and by Roumania, respectively, was confirmed by the Treaties of Peace with Finland and with Roumania signed on the tenth day of February, 1947;

(*b*) those territories which were transferred to the Union of Soviet Socialist Republics by Poland under Agreements between the Union of Soviet Socialist Republics and Poland signed, respectively, on the sixteenth day of August, 1945, and the fifteenth day of February, 1951;

(*c*) those territories which were transferred to the Union of Soviet Socialist Republics by Czechoslovakia under an Agreement signed on the twenty-sixth day of June, 1945, between the Union of Soviet Socialist Republics and Czechoslovakia;

(*d*) those territories which were transferred to the Union of Soviet Socialist Republics by Finland under an Agreement signed on the third day of February, 1947, between Finland and the Union of Soviet Socialist Republics.

"Debt" means a sum due or owing, or a claim for unliquidated damages, or a sum deposited in a bank in the Baltic States or in the ceded territories, but not transferred

in respect of:—

(*a*) a contract for the sale of goods or a bill of exchange given for the discharge of obligations under any such contract, or

(*b*) the servicing, preservation, transport, insuring or advertising of goods in the course of trade, whether or not the goods are the subject of any such contract as aforesaid, or

(*c*) agency contracts other than those relating to contracts of insurance or to treaties or contracts of reinsurance, or

(*d*) a contract for the payment of royalties or for the manufacture of goods under licence, or

(*e*) professional charges or disbursements, or

(a) 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).

(b) 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).

(*f*) a contract of insurance (including life and endowment assurance but not including a treaty or contract of reinsurance) concluded with an insurance company incorporated or constituted in the Baltic States or in the ceded territories, or

(*g*) shipping or transport services, or

(*h*) an advance, loan, acceptance credit, or other facility originally granted in the course of business by a British national to a person or corporation resident in the Baltic States or in the ceded territories.

"Date of cession" means the tenth day of February, 1947, in the case of territories whose cession to the Union of Soviet Socialist Republics was confirmed by the Treaties of Peace with Finland and Roumania signed on that date; and, in the case of other ceded territories, the date of the signature of the Agreement with the Union of Soviet Socialist Republics under which the territory was transferred to the Union of Soviet Socialist Republics.

"Property" includes all rights or interests of any kind in property, other than debts.

PART II

REGISTRATION OF CLAIMS

2. An application to the Commission to register a claim in accordance with the provisions of this Order may be made by any person who is, at the date on which the application is made, a British national.

3. The Commission shall register any claim in respect of which an application has been received under the provisions of Article 2 of this Order and which is:

(1) a claim in respect of a debt which on the sixth day of August, 1940, was outstanding to a British national from a person or corporation (other than a British national) resident in the Baltic States and which is still outstanding; or

(2) a claim in respect of a debt which on the date of cession was outstanding to a British national from a person or corporation (other than a British national) resident in the ceded territories and which is still outstanding; or

(3) a claim arising out of a loan or obligation issued or guaranteed between the twenty-eighth day of June, 1919, and the third day of September, 1939, by the Government of any of the Baltic States; provided that on the twenty-third day of November, 1959, the holder of the bond or other document of title in respect of which the claim is made was a British national; or

(4) a claim arising out of a loan or obligation issued by any municipal authority in the territory of any of the Baltic States before the sixth day of August, 1940; provided that on the twenty-third day of November, 1959, the holder of the bond or other document of title in respect of which the claim is made was a British national; or

(5) a claim arising out of a loan or obligation issued before the date of cession by any municipal authority in the ceded territories; provided that on the twenty-third day of November, 1959, the holder of the bond or other document of title in respect of which the claim is made was a British national; or

(6) a claim in respect of shares held on the twenty-third day of November,

1959, by a British national in a company which was originally incorporated or constituted in the Baltic States or in the ceded territories and which was carrying on business on the first day of July, 1940, or at the date of cession as the case may be; or

(7) a claim in respect of a balance held by a British national on the sixth day of August, 1940, at a bank in one of the Baltic States; or

(8) a claim in respect of a balance held on the date of cession by a British national at a bank in one of the ceded territories; or

(9) a claim in respect of property in the Baltic States which was owned by a British national before the sixth day of August, 1940, and of which he has been deprived of the ownership or enjoyment by confiscation, nationalisation, expropriation or dispossession on or after the first day of July, 1940; or

(10) a claim in respect of property in the ceded territories which was owned by a British national before the date of cession, and of which he has been deprived of the ownership or enjoyment by confiscation, nationalisation, expropriation or dispossession after the date of cession.

4. The Commission shall not register under this Order any claim which has already been established under any other Order made under the Act.

5. The Commission shall report, in such manner as Her Majesty's Principal Secretary of State for Foreign Affairs may direct, upon any claims registered in accordance with the provisions of Article 3 of this Order.

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

PART III

GENERAL

7. This Order shall come into operation on the twenty-seventh day of November, 1959, and may be cited as the Foreign Compensation (Union of Soviet Socialist Republics) (Registration) 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 enables certain claims which have arisen in connexion with the administration of the territory of the Baltic States by the Soviet Union, and the cession of certain other territories to the Soviet Union, to be registered with, and reported upon, by the Foreign Compensation Commission.