
STATUTORY INSTRUMENTS

1982 No. 1073

FOREIGN COMPENSATION

The Foreign Compensation (Czechoslovakia) Order 1982

<i>Made</i>	- - - -	<i>30th July 1982</i>
<i>Laid before Parliament</i>		<i>9th August 1982</i>
<i>Coming into Operation</i>		<i>1st September 1982</i>

At the Court at Buckingham Palace, the 30th day of July 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is authorised to make provision by Order in Council under section 3 of the Foreign Compensation Act 1950(1) for the determination by the Foreign Compensation Commission (hereinafter referred to as “the Commission”) of claims to participate in compensation received under an agreement with the government of any other country, and for the distribution by the Commission of such compensation:

And Whereas an Agreement (hereinafter referred to as “the Agreement”) entered into between Her Majesty's Government and the Government of the Czechoslovak Socialist Republic on 29th January 1982(2) provides that the Czechoslovak Government shall pay to the United Kingdom Government the net sum of £24,266,619 in full and final settlement of the claims mentioned in Articles 2 and 3 of the Agreement, and Her Majesty's Government in the United Kingdom intends to pay part of the said sum to the Commission for distribution:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf vested in Her Majesty by section 3, as well as by sections 4(1) and 7(1), of the Foreign Compensation Act 1950, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. This Order may be cited as the Foreign Compensation (Czechoslovakia) Order 1982 and shall come into operation on 1st September 1982.

2. In this Order:—

(1) section 3 was amended by the Foreign Compensation Act 1969 (c.20), section 2.
(2) Cmnd.8557.

“Bond” means a bond or other document of title in respect of a loan or obligation issued or guaranteed before 1st June 1953 by the Czechoslovak Government or by any other public authority in Czechoslovakia.

“Czechoslovak measure” means any measure of nationalisation, expropriation, confiscation, dispossession, liquidation, state administration or other restrictive measure affecting property taken by the Czechoslovak Government, or any measure taken by the Czechoslovak Government under which a person was deprived of the legal right to recover a debt; and for this purpose any such measure promulgated in the form of a Slovak Decree or law shall be treated as having been taken by the Czechoslovak Government.

“Debt” means a sum due or owing, or a claim for unliquidated damages, or a sum deposited in a bank in Czechoslovakia but not transferred, in respect of:—

- (a) a contract for the sale of goods whether executed or not or a bill of exchange given for the discharge of obligations under any such contract,
- (b) the servicing, preservation, transport, insuring or advertising of goods, whether or not the goods are the subject of any such contract as aforesaid,
- (c) an agency contract, other than one relating to a contract of insurance or to a treaty or contract of reinsurance,
- (d) a contract for the payment of royalties or for the manufacture of goods under licence,
- (e) training, professional or agency charges or disbursements,
- (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 Czechoslovakia,
- (g) shipping or transport services,
- (h) an advance, loan, acceptance credit, or other similar facility, or
- (i) a judgment debt.

“Internal Bond” means a bond denominated in Czechoslovak currency.

“Material time” means any time or date at which it is material for the purposes of this Order to determine whether or not a person is a United Kingdom national.

“Predecessor in title” means any person from whom, whether directly or indirectly, a person making application under this Order (including a trustee) has succeeded, whether by assignment or otherwise, to the property or claim to which the application relates.

“Property” includes all rights or interests of any kind in property, and, except where the context otherwise requires, a balance in a bank, a pension (including contributions towards a pension) and (but only as defined in this Article of the Order) a bond, a share and a debt.

“Relevant date” means the date of publication of the Czechoslovak measure by or under which the property or the debt to which the claim relates was affected, or, if such measure was first applied to the property or the debt on a date other than the date of publication of the measure, the date on which the applicant, or his predecessor in title, was deprived of title to or enjoyment of the property, or of the legal right to recover the debt.

“Rules of the Commission” means rules made by the Commission with the approval of the Lord Chancellor under section 4(2) of the Foreign Compensation Act 1950 regulating the procedure of the Commission in determining applications made under this Order.

“Share” includes stock, a debenture, debenture stock and any funded obligation of a corporation.

“Trustee” includes a personal representative of a deceased person or a nominee; and “beneficiary” shall have a corresponding meaning.

“United Kingdom national” means:—

- (a) any individual who was at the material time, or who as regards any material time prior to 1st January 1949 would have been had the British Nationality Act 1948 and the British Protectorates, Protected States and Protected Persons Order in Council 1949 been in force at that time, a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of that Act or the British Nationality Act 1965, or a British protected person within the meaning of the said Act of 1948;

provided that:—

- (i) as regards any material time prior to 16th May 1948, the expression “British protected person” shall be deemed to include a person who was at that time a Palestinian citizen under the Palestinian Citizenship Orders 1925 to 1942⁽³⁾; and
- (ii) any individual who was a British subject at any time before the date of the commencement of the said Act of 1948 only by virtue of the provisions of the Act of 1705, ⁽⁴⁾ intituled “An Act for the Naturalization of the Most Excellent Princess Sophia Electress and Duchess Dowager of Hanover and the Issue of Her Body”, shall be deemed not to be a United Kingdom national;
- (b) any corporation, firm or association incorporated or constituted under the laws in force in the United Kingdom or in any territory for whose international relations Her Majesty's Government in the United Kingdom were, at the material time, responsible;
- (c) any individual who as regards any material time after 31st December 1949 and prior to 18th April 1980 was a citizen of Southern Rhodesia or a citizen of Rhodesia and Nyasaland, and any individual who as regards any material time after 31st October 1957 and prior to 17th September 1963 was a citizen of Singapore;
- (d) Her Majesty's Government in the United Kingdom and the Government of any territory for the international relations of which Her Majesty's Government in the United Kingdom were, at the material time, responsible.

PART II

THE FUND

3. The Commission shall pay into a fund to be called the Czechoslovakia Compensation Fund (hereinafter referred to as “the Fund”) all such sums as may be paid to them by Her Majesty's Government, being sums received under the Agreement and any income arising therefrom.

4.—(1) Any sums standing to the credit of the Fund may be temporarily invested by the Commission in such manner as the Treasury may authorise.

(2) All interest, dividends and other sums received by the Commission as a result of any investment made by them of any sum standing to the credit of the Fund shall be paid into the Fund.

5. When it appears to the Secretary of State that all payments to be made into the Fund have been made and that all payments which it is practicable to make out of the Fund have been made, he may direct that the Fund shall be wound up and that any sum remaining therein shall be paid into the Consolidated Fund.

⁽³⁾ S.R. & O. 1925/777 1931/671, 1939/863, 1941/1121, 1942/1177.

⁽⁴⁾ 1705 c.14.

PART III

GENERAL PROVISIONS CONCERNING THE ESTABLISHMENT OF CLAIMS

6.—(1) An application shall not be entertained by the Commission for the purposes of this Order unless it has reached the Commission on or before 31st August 1983.

(2) An application shall not be entertained by the Commission for the purposes of this Order unless it is made in accordance with the Rules of the Commission.

7.—(1) The Commission shall not entertain an application for the purposes of this Order if that application is in respect of:—

- (a) any claim in respect of which a payment was made by the Commission under the Foreign Compensation (Czechoslovakia) Order in Council 1950 as amended⁽⁵⁾; or
- (b) except as provided in Article 19 of this Order, any claim in respect of a bond denominated in any currency other than Czechoslovak currency; or
- (c) any claim in respect of the six per cent First Mortgage Debentures of the SKODA WORKS (limited company formerly the Skoda Works, Plzen).

(2) For the avoidance of doubt, it is hereby declared that, without prejudice to the provisions of Article 17 of this Order, the Commission shall not entertain an application for the purposes of this Order, if that application is in respect of any claim in respect of any property beneficially owned by a corporation incorporated or constituted under the laws in force in a country or territory other than the United Kingdom or any territory for whose international relations Her Majesty's Government in the United Kingdom were, at the material time, responsible, whether or not any of the shareholders in that corporation, or a majority of them, are United Kingdom nationals, and whether or not that corporation is controlled, directly or indirectly, by United Kingdom nationals.

8. Each application made under this Order shall be determined by not less than two members of the Commission, provided that:—

- (a) if the aggregate of all amounts claimed by an applicant under this Order does not exceed £10,000, the provisional determination of the application may be made by one member of the Commission;
- (b) notwithstanding paragraph (a) of this Article, no claim shall be dismissed except upon determination by not less than two members of the Commission.

9. Subject to the provisions of this Order, the Commission shall assess the amount of loss with respect to each claim established under this Order as may seem just and equitable to them having regard to all the circumstances, and shall dismiss each claim which is not so established.

10. In assessing the amount of loss with respect to any claim established under this Order the Commission shall have regard to any compensation, recoupment or payment in respect of that loss from any source other than the Fund that the person making the application or his predecessor in title or any trustee for such person or predecessor in title or, if the person making the application is a trustee, any beneficiary or any predecessor in title of any beneficiary (i) has received or (ii) may, if he exercises diligence, be reasonably expected to receive or (iii) might, if he had exercised diligence, reasonably have been expected to receive.

11.—(1) Where any amount which is material to the determination of an application under this Order is expressed in a unit of foreign currency, the value in sterling of that amount shall be determined:—

(5) S.I. 1951/1166, 1952/348, 1413, 1953/1209, 1902, 1956/831.

- (a) in the case of a debt or obligation expressed in a foreign currency where the sum is due or payable under a contract in which provision is made for a specified rate of exchange, at the rate of exchange so specified;
- (b) subject to subparagraph (a),
 - (i) in case of loss assessed under subparagraph (a) or (c) of Article 20, at the rate of exchange obtaining on 1st November 1945;
 - (ii) in case of loss assessed under subparagraph (f) of Article 20, at the rate of exchange obtaining on 19th October 1945;
 - (iii) in case of loss assessed with respect to a debt or obligation created on or after 1st June 1953, at the rate of exchange obtaining on the relevant date;
 - (iv) in case of loss assessed with respect to any other claim established under this Order (other than under subparagraph (d) of Article 20), at the rate of exchange obtaining on the relevant date or 31st May 1953, whichever is the earlier.

(2) For the purposes of this Article the rate of exchange between foreign currency and sterling on any of the said dates shall be deemed to be the middle rate for telegraphic transfers ruling in the London market on that date or, if there was no such rate, such rate as the Treasury may determine.

12. If any transfer of property to which a claim relates was effected in a part of Czechoslovakia under Hungarian occupation between 6th November 1938 and 9th May 1945, or under German occupation between 1st October 1938 and 9th May 1945, that transfer shall be deemed, for the purposes of this Order, to have been null and void if it was effected under fraud or duress or without the consent of the person to whom the property belonged at the date of such transfer.

PART IV

CLAIMS IN RESPECT OF DEBTS, BANK BALANCES, SHARES, BONDS AND OTHER PROPERTY

Applications Excluded from this Part of the Order

13. No application may be made under this Part of the Order in respect of a pension or contributions towards a pension.

Qualifications to Make Application

14.—(1) The following persons shall be qualified to make application to the Commission for the purpose of establishing claims under this Part of the Order:—

- (a) Her Majesty's Government in the United Kingdom and the Government of any territory for the international relations of which Her Majesty's Government in the United Kingdom were, on 2nd February 1982, responsible;
- (b) any person who was a United Kingdom national on 2nd February 1982;
- (c) any person who on or after 2nd February 1982 has succeeded to the claim of any person qualified under sub-paragraph (b) above; and
- (d) a trustee for any person qualified under sub-paragraph (b) or (c) above.

(2) An application under this Part of the Order may be made by a trustee qualified under paragraph (1) of this Article or by a beneficiary so qualified.

An application by a trustee shall, however, be entertained by the Commission only in so far as the beneficial interest in the property or in the claim to which the application relates was, at the material times, owned by a United Kingdom national.

(3) If application under this Part of the 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 paragraph (1) of this Article, 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.

Property

15.—(1) To establish a claim under this Part of the Order in respect of any property (other than a debt, a balance in a bank, a share, an internal bond or a bond of the issue mentioned in Article 19 of this Order), any person making application to the Commission shall be required to establish to the satisfaction of the Commission:—

- (a) that he is a person qualified under Article 14 of this Order to make such application;
- (b) that the property to which his application relates was British at the relevant date; and
- (c) that by or under any Czechoslovak measure he or his predecessor in title (or, if he is a trustee, the person for whom he is a trustee or the predecessor in title of such person) has before 2nd February 1982 been deprived of title to or enjoyment of the property, and has suffered loss thereby.

(2) Property shall be deemed to be British property to the extent that it was beneficially owned by a United Kingdom national.

Debts and Bank Balances

16.—(1) To establish a claim under this Part of the Order in respect of a debt or a balance in a bank, any person making application to the Commission shall be required to establish to the satisfaction of the Commission:—

- (a) that he is a person qualified under Article 14 of this Order to make such application;
- (b) that his application relates, either
 - (i) to a debt which is unpaid and which on 1st November 1945 was outstanding from the Czechoslovak Government, a public authority in Czechoslovakia or a person, corporation, firm or association (other than a United Kingdom national) resident in Czechoslovakia to:—
 - (A) a United Kingdom national, or
 - (B) a person, corporation, firm or association (other than a United Kingdom national) who or which at any time between 3rd September 1939 and 1st November 1945 was resident or carrying on business in the United Kingdom; or
 - (ii) to a debt which is unpaid, where he or his predecessor in title (or, if he is a trustee, the person for whom he is a trustee or the predecessor in title of such person) has been deprived of the legal right to recover the debt by or under a Czechoslovak measure and was a United Kingdom national at the relevant date; or
 - (iii) to a balance in a bank in Czechoslovakia which is still outstanding and which was held on 1st November 1945 by:—
 - (A) a United Kingdom national, or

(B) a person, corporation, firm or association (other than a United Kingdom national) who or which at any time between 3rd September 1939 and 1st November 1945 was resident or carrying on business in the United Kingdom; or

(iv) to a balance at a bank in Czechoslovakia which is still outstanding and which was held on 1st June 1953 by a United Kingdom national and was affected by the Czechoslovak Monetary Reform Law, No. 41, of that date; and

(c) that he or his trustee is the person to whom the debt or the outstanding balance is owing.

(2) For the purposes of Article 10 of this Order, the Commission shall assume that debts falling within paragraph (1)(b)(i) above and balances falling within paragraph (1)(b)(iii) above were irrecoverable on and after 1st November 1945.

(3) Where an application could fall within more than one of the sub-paragraphs of paragraph (1) (b) above, the person making application to the Commission shall be required to choose under which sub-paragraph his application shall be treated as falling.

Shares

17. To establish a claim under this Part of the Order in respect of a share, any person making application to the Commission shall be required to establish to the satisfaction of the Commission:—

- (a) that he is a person qualified under Article 14 of this Order to make such application;
- (b) that he, or if he is a trustee the person for whom he is a trustee, is, or would have been but for any Czechoslovak measure, the beneficial owner of the share;
- (c) that the share was, or would but for a Czechoslovak measure have been, beneficially owned on the relevant date by a United Kingdom national;
- (d) that the corporation to which the share related was incorporated or constituted under the laws in force in Czechoslovakia; and
- (e) that he or his predecessor in title (or, if he is a trustee, the person for whom he is trustee or the predecessor in title of such person) has suffered loss in respect of the share as a result of the application of a Czechoslovak measure to the share or to the corporation or any of its assets.

Internal Bonds

18. To establish a claim under this Part of the Order in respect of an internal bond, any person making application to the Commission shall be required to establish to the satisfaction of the Commission:—

- (a) that he is a person qualified under Article 14 of the Order to make such application;
- (b) that he, or if he is a trustee, the person for whom he is a trustee is, or would but for any Czechoslovak measure have been, the beneficial owner of the bond;
- (c) that the bond was, or would but for a Czechoslovak measure have been, beneficially owned by a United Kingdom national on 2nd February 1982;
- (d) that the whole or part of the loan or obligation to which the bond relates has not been repaid or discharged.

Austrian Government Guaranteed Conversion Loan 1934/59, 4½% Guaranteed Sterling Bonds

19. To establish a claim under this Part of the Order in respect of the unredeemed portion of any bond of the issue known as the “Austrian Government Guaranteed Conversion Loan 1934/59, 4½%

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Guaranteed Sterling Bonds” (also known as the “Austrian Government 4½% Guaranteed Sterling Bonds 1934/59”), any person making application to the Commission shall be required to establish to the satisfaction of the Commission:—

- (a) that he is a person qualified under Article 14 of the Order to make such application;
- (b) that he, or if he is a trustee, the person for whom he is a trustee, is, or would but for a Czechoslovak measure have been, the beneficial owner of the bond;
- (c) that the bond was, or would but for a Czechoslovak measure have been, beneficially owned by a United Kingdom national on 2nd February 1982.

Assessment of Loss

20. The Commission shall assess the amount of loss with respect to each claim established under this Part of the Order and, for this purpose,

- (a) the value of a debt of the kind mentioned in Article 16(1)(b)(i) shall be taken to be the principal amount outstanding on 1st November 1945;
- (b) the value of a debt of the kind mentioned in Article 16(1)(b)(ii) shall be taken to be the principal amount outstanding on the relevant date;
- (c) the value of a balance in a bank of the kind mentioned in Article 16(1)(b)(iii) shall be taken to be the amount outstanding on 1st November 1945, but account shall be taken of any withdrawals by or on the order of the holder from the bank account after that date;
- (d) the amount of the loss with respect to a balance in a bank of the kind mentioned in Article 16(1)(b)(iv) shall be taken to be the amount by which the value in terms of the pound sterling of the balance was reduced by virtue of the Czechoslovak Monetary Reform Law, No. 41, of 1st June 1953:

provided that the Commission shall take into account as reducing the loss any amount by which the value in terms of the pound sterling of any other balance held by the person making application to the Commission, or if he is a trustee the person for whom he is a trustee, or the predecessor in title of any such person, was increased by virtue of the said Monetary Reform Law;

- (e) if, in the case of a claim falling within Article 16 or Article 17 of this Order, the contract expressly provided for the payment of interest, the amount of loss with respect to that claim shall be deemed to be the principal amount outstanding on the relevant date or on the date specified in one of the preceding subparagraphs of this Article, as the case may be, multiplied by such factor as the Secretary of State may, after consultation with the Treasury, determine;
- (f) the value of an internal bond (in respect of both capital and interest) shall be deemed to be the nominal capital value of the bond multiplied by the factor of 2;
- (g) the amount of loss with respect to a claim established under Article 19 of this Order shall be the value of that part of the capital of or interest on the bond, which has not been discharged or repaid, and whose discharge or repayment was guaranteed by the Czechoslovak Government.

PART V

CLAIMS IN RESPECT OF PENSIONS

21. To establish a claim under this Part of the Order, any person making application to the Commission shall be required to establish to the satisfaction of the Commission:—

- (a) that he was a United Kingdom national on 2nd February 1982;
- (b) that his application relates to a pension, or to the contributions made by him towards a pension, which is or would be payable to him by the Czechoslovak Government or any other public authority in Czechoslovakia, or by a person, corporation, firm or association (other than a United Kingdom national) resident in Czechoslovakia;
- (c) that, at a time when he was a United Kingdom national, or as a result of his becoming a United Kingdom national, the payment to him of the pension was stopped, or his future rights to receive payment of the pension were taken away, otherwise than in accordance with the rules governing the payment of the pension (disregarding for this purpose any change in those rules effected by a Czechoslovak measure or as a consequence, whether direct or indirect, of the application to any other property of a Czechoslovak measure); and
- (d) that he is the person to whom the pension is or would be payable.

PART VI

PAYMENTS OUT OF THE FUND

22.—(1) The Commission shall make payments out of the Fund to every person who has established a claim under this Order and who applies to the Commission for payment.

(2) If any person who has established a claim under this Order shall have died before the amounts payable to him under Articles 23 and 24 of the Order have been paid to him, such payments or the balance thereof shall be made to his personal representatives if they apply to the Commission for payment, provided that, if the Commission are satisfied that no grant of administration of his estate has been made in the United Kingdom and that the assets of his estate (including the amount payable under this Order) do not exceed £1,500 in value, the Commission may, at their discretion and subject to such conditions as the Commission think proper, make such payment either to any person who has taken out administration in any other part of the Commonwealth, or to the person who shall appear to the Commission to be the person who, being a widower, widow, child, father, mother, brother or sister of the deceased person, would, under the law of England, have the prior right to a grant of administration of the estate of the deceased person if such deceased person had died intestate domiciled in England.

(3) If any person whose claim has been established under this Order is a minor at the date when the amounts payable to him under Articles 23 and 24 of this Order are due to be paid, the Commission may make payment thereof into the Supreme Court, or, if the amount thereof does not exceed £5,000, into the County Court for the district in which the minor resides, under the provisions of the Trustee Act 1925, or, if the amount does not exceed £50, may place the same on deposit in the name of the Commission in any bank for such time as the person remains a minor.

(4) The reference in paragraph (1) of this Article to a person who has established a claim under this Order includes a reference to any person who has become entitled to the amounts payable, or any part of them, in consequence of any assignment or transfer of the benefit thereof and who produces such evidence of his title as may be reasonably required by the Commission.

23.—(1) The payment in respect of each claim established under this Order shall be a fraction of the distributable amount of the Fund equal to the proportion which the assessed amount of the claim bears to the total of the amounts assessed with respect to all claims established under this Order:

provided that no such payment in respect of any claim shall exceed the amount of the loss with respect to that claim as assessed by the Commission under this Order.

(2) The distributable amount shall be the total of all sums paid into the Fund, after the deduction of any payments made therefrom into the Consolidated Fund in accordance with any Order in Council

made under section 7(2) of the Foreign Compensation Act 1950 as originally enacted and as applied by section 3(3) of the Foreign Compensation Act 1962.

24.—(1) Whether or not all claims under this Order against the Fund have been finally determined, the Commission may, at such time or times as they may decide, make from the Fund interim payments to any of the persons who have established claims under the Order.

(2) Interim payments made under the provisions of this Article shall be made:—

- (a) on account of payments to be made in accordance with Article 23 of this Order, and
- (b) at a uniform rate upon the assessed amount of the claim. The uniform rate of payment shall be determined by the Commission; for this purpose the Commission shall estimate the total liability likely to fall upon the Fund.

(3) For the purposes of the present Article:—

- (a) a claim shall be deemed to be established under this Order even though the determination thereof may be provisional and subject to review under the Rules of the Commission;
- (b) the assessed amount of the claim shall be deemed to be the amount so provisionally determined subject to review unless before the date of payment the Commission shall have made a final determination on review.

25.—(1) Subject to the provisions of paragraph (2) of this Article, the Commission shall, as a condition of the making of any payment to any person under this Order, require him to surrender to the Commission all available documents of title, if any, relating exclusively to the claim to which the payment relates and shall require him to sign and deliver to the Commission a document in such form as the Commission may determine declaring that he renounces all those claims which he has established under the Order.

(2) If the person for whose benefit a payment is to be made is a minor, the Commission shall, as a condition of the making of any payment into Court or placing the same on deposit under paragraph (3) of Article 22 of this Order, require the person who, in accordance with the Rules of the Commission, has made an application for payment on the minor's behalf to surrender to the Commission the documents of title, if any, under his control relating exclusively to the claim and to sign and deliver to the Commission a document in such form as the Commission may determine declaring that the minor renounces all claims to which the payment relates; and the document so signed shall operate as a valid surrender by the minor of all such claims.

(3) All documents which are delivered to the Commission under paragraphs (1) and (2) of this Article shall remain in their custody until the Fund is wound up and the Commission shall then deliver them to Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs.

N.E. Leigh
Clerk of the Privy Council

EXPLANATORY NOTE

This Order provides:—

- (i) for the determination by the Foreign Compensation Commission of claims to participate in the compensation received by Her Majesty's Government from the Czechoslovak Government under the Agreement between the two Governments signed at Prague on 29th January 1982 on the Settlement of Certain Outstanding Claims and Financial Issues (Cmnd.8557); and
- (ii) for the distribution of that part of the aforesaid compensation which has been paid to the Commission to applicants who have established claims under the Order.