

1961 No. 2030

**DISTRIBUTION OF GERMAN ENEMY PROPERTY****The Distribution of German Enemy Property (No. 4) Order, 1961**

<i>Made</i> - - - -	24th October, 1961
<i>Laid before Parliament</i>	31st October, 1961
<i>Coming into Operation</i>	3rd November, 1961

At the Court at Buckingham Palace, the 24th day of October, 1961

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Administrator of German Enemy Property (hereinafter referred to as "the Administrator") has made the payment of the sum of £250,000 to the Trustees of the Charitable Trust provided for by Article 2 of the Distribution of German Enemy Property (No. 3) Order, 1957(a), and has thereafter received certain proceeds of German enemy property the receipt of which could not have been anticipated at the date that Order came into operation :

And Whereas after making such further distribution to persons whose claims in respect of German enemy property have been established as may be practicable there will remain in the possession of the Administrator certain of such proceeds which it will be impracticable to distribute to such persons as aforesaid, and it will likewise be impracticable to so distribute any further proceeds of German enemy property which may from time to time come into the hands of the Administrator :

Now, therefore, Her Majesty, in pursuance of Sections 1 and 5 (1) of the Distribution of German Enemy Property Act, 1949(b), (hereinafter referred to as "the Act"), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Distribution of German Enemy Property (No. 4) Order, 1961.

(2) This Order shall come into operation on the 3rd day of November, 1961.

(3) The Interpretation Act, 1889(c), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Distribution of German Enemy Property (No. 2) Order, 1951(d), as amended(e), shall have effect as if for Article 8 thereof there were substituted the following Article:—

(a) S.I. 1957/1525 (1957 I, p. 650). (b) 12, 13 & 14 Geo. 6. c. 85. (c) 52 & 53 Vict. c. 63.  
(d) S.I. 1951/1899 (1951 I, p. 517). (e) S.I. 1952/633 (1952 I, p. 809).

"8.—(1) The proceeds of German enemy property collected by the Administrator shall, in so far as they are not distributed in accordance with the provisions of the next following Article, be distributed in paying to persons whose claims have been duly established for the purposes of this Order such a dividend as is practicable at the 3rd day of November, 1961, calculated in each case by reference to the amount for which the claim has been admitted for payment; and subject thereto shall be distributed in accordance with the following provisions of this Article.

(2) The Administrator, acting under a general or special direction of the Board of Trade, shall from time to time out of the proceeds of German enemy property pay sums not exceeding in the aggregate £70,000 to—

(a) any person—

- (i) whose property, rights or interests have been charged by the Treaty of Peace (Roumania) Order, 1948(a), the Treaty of Peace (Hungary) Order, 1948(b), or the Treaty of Peace (Bulgaria) Order, 1948(c), and not released from such charge,
- (ii) who was deprived of liberty at any time between the 3rd September, 1939, and 8th May, 1945, in Roumania, Hungary or Bulgaria as a result of persecution on racial religious or political grounds, and
- (iii) who has left Roumania, Hungary or Bulgaria to establish his permanent residence outside those countries;

(b) any person—

- (i) who, but for the operation of the Trading with the Enemy Act, 1939, and any Orders made thereunder or of any Orders referred to in head (i) of sub-paragraph (a) of this paragraph and any Orders made under any such Orders, would have become entitled to any property, rights or interests charged and not released as aforesaid under the will of or by reason of the death intestate of any person who was deprived of liberty as aforesaid and who died as a consequence of such deprivation of liberty, and
- (ii) who has left Roumania, Hungary or Bulgaria to establish his permanent residence outside those countries.

(3) Subject to the provisions of paragraph (2) of this Article the Administrator, acting under a general or special direction of the Board of Trade shall, subject to the provisions of subsections (6) and (7) of Section 1 and to Sections 3 and 4 of the Act, from time to time pay the proceeds of German enemy property into the Exchequer."

3. The Distribution of German Enemy Property (No. 3) Order, 1957, is hereby revoked.

*W. G. Agnew.*

## EXPLANATORY NOTE

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

The Distribution of German Enemy Property Act, 1949, empowers the Administrator of German Enemy Property appointed thereunder to distribute the proceeds of German enemy property to certain classes of British pre-war creditors of Germany. The Act also enables provision to be made by Order in Council for the disposal of sums in the Administrator's hands which it is not practicable to distribute to these creditors. The Distribution of German Enemy Property (No. 3) Order, 1957, provided for the disposal of the proceeds of German enemy property on the basis that no further distribution would be practicable. Further substantial sums, the realisation of which could not have been anticipated at that time, have since accrued to the Administrator and this Order enables the Administrator to make a further distribution to British creditors and revokes the 1957 Order. There will remain a residue which it is not practicable to distribute to these creditors and this Order enables the Administrator, acting under the directions of the Board of Trade, to pay therefrom sums not exceeding £70,000 to certain victims of enemy persecution during the War or their successors in title and to pay the balance into the Exchequer.