

1968 No. 164

FOREIGN COMPENSATION

**The Foreign Compensation Commission (Amendment)
 Rules Approval Instrument 1968**

<i>Made</i>	- - -	8th February 1968
<i>Laid before Parliament</i>		19th February 1968
<i>Coming into Operation</i>		4th March 1968

Whereas the Foreign Compensation Commission have, in exercise of their powers under section 4 of the Foreign Compensation Act 1950(a), made rules of procedure and submitted them to me for my approval :

Now, therefore, I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by sections 4 and 8 of the Foreign Compensation Act 1950, do hereby approve the said rules in the form set out in the Schedule hereto.

This instrument may be cited as the Foreign Compensation Commission (Amendment) Rules Approval Instrument 1968 and shall come into operation on 4th March 1968.

Dated 8th February 1968.

Gardiner, C.

SCHEDULE

The Foreign Compensation Commission, in exercise of their powers under section 4 of the Foreign Compensation Act 1950, hereby make the following Rules :—

1.—(1) These Rules may be cited as the Foreign Compensation Commission (Amendment) Rules 1968.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. The Foreign Compensation Commission Rules 1956(c), as amended (d), shall be further amended as follows :—

(1) The following Rule shall be inserted after Rule 20 :—

"Death of Applicant

20A.—(1) On the death of an Applicant his application is abated as regards any claim not determined before his death unless the claim survives to a joint Applicant.

(2) Subject as hereinafter provided an abated application may be revived by the personal representative of the deceased Applicant (being the person to whom a grant of probate or confirmation or letters of administration shall have been made in any part of the United Kingdom) by producing such grant to the Commission and signing the application form filed by the deceased Applicant with the Commission :

(a) 1950 c. 12.

(c) S.I. 1956/962(1956 I, p. 1021).

(b) 1889 c. 63.

(d) The relevant amending instrument is S.I. 1964/638(1964 I, p. 1131).

Provided that after the expiration of 6 months from the date of the death of the deceased Applicant or 3 months from the date of the coming into operation of this Rule (whichever shall be the later) an application may be revived only with the leave of not less than two Commissioners who may grant or refuse leave at their absolute discretion."

(2) The following paragraphs shall be added at the end of Rule 38:—

"(7) If it appears to the Commission that an Applicant has died and no grant of representation to his estate has been produced to them, the Commission may review the provisional determination of a claim made by the deceased Applicant without serving any notice of intention to review, or may, if they think fit, by order appoint such person as they think proper to represent the estate of the deceased Applicant for the purpose of such review, and in that case the foregoing provisions of this Rule shall apply to the person so appointed as they apply to an Applicant and notice of intention to review shall be served upon that person.

(8) Where the Commission receive no acknowledgment within 21 days from the date of posting of the notice of intention to review, or such further period as may be specified therein for replying thereto, the provisions of paragraph (7) of this Rule shall apply as if the Applicant had died."

The Seal of the Foreign Compensation Commission was hereunto affixed this 6th day of February 1968.

(L.S.)

C. Montgomery White,
Chairman of the Commission.

H. Walsh,
Secretary.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Foreign Compensation Rules 1956 for the following main purposes:—

- (a) to prescribe the procedure by which the personal representative may revive an application where an Applicant has died before his claims have been determined,
- (b) to impose a time limit after the expiration of which such an application can only be revived by leave of two Commissioners, and
- (c) to enable the Commission to review the determination of the application of a deceased Applicant of whom no personal representative has produced to the Commission a grant of representation (i) in the absence of any person to represent the estate of such deceased Applicant, or (ii) after appointing some person to represent the estate for the purpose of the review.