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STATUTORY INSTRUMENTS

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**1975 No. 410**

**FOREIGN COMPENSATION**

**The Foreign Compensation (German Democratic Republic) (Registration) Order 1975**

<i>Made</i>	- - - -	<i>18th March 1975</i>
<i>Laid before Parliament</i>		<i>25th March 1975</i>
<i>Coming into Operation</i>		<i>7th May 1975</i>

At the Court at Buckingham Palace, the 18th day of March 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty's Government in the United Kingdom contemplate an agreement with the Government of the German Democratic Republic providing for the payment of compensation by the latter Government and it is expedient to provide 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:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf vested in Her Majesty by section 3 of the Foreign Compensation Act 1950 as amended by section 2 of the Foreign Compensation Act 1969, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**PART I**

**GENERAL**

**Citation and Commencement**

1. This Order may be cited as the Foreign Compensation (German Democratic Republic) (Registration) Order 1975 and shall come into operation on 7th May 1975.

**Interpretation**

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

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(2) In this Order:—

“External bond” means a bond or other document of title in respect of a loan or obligation issued or guaranteed by a public authority in the territory in a currency other than the Reichsmark;

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

“Property” includes all rights or interests of any kind in property, whether corporeal or incorporeal, movable or immovable, and includes a balance held at a bank in the territory or other debt except a debt to which an external bond relates due from a person, corporation, firm or association other than a British national, resident in the territory;

“The territory” means the German Democratic Republic and Berlin (East);

“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<sup>(1)</sup> 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 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<sup>(2)</sup>;

(b) any individual who as regards any material time after 31st December 1949 was a citizen of Southern Rhodesia or a citizen of Rhodesia and Nyasaland;

(c) any individual who as regards any material time after 31st October 1957 and prior to 17th September 1963 was a citizen of Singapore;

(d) 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.

## PART II

### REGISTRATION OF CLAIMS

3. An application to the Commission to register a claim in accordance with the provisions of this Order may be made by or on behalf of any person who on the date on which this Order comes into operation is a United Kingdom national and who is beneficially entitled to the property to which the claim relates or who would have been so entitled but for confiscation, nationalisation, expropriation or dispossession.

4. The Commission shall register any claim in respect of which an application containing the information specified in Article 5 of this Order has been received under the provisions of Article 3 of this Order and which is:—

(1) a claim in respect of property which was in the territory on 8th May 1945 and which on that date was not owned by a German national; or

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(1) (1949 I, p. 522).

(2) 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).

(2) a claim in respect of property in the territory other than property to which paragraph (1) above refers and of which the owner, being a United Kingdom national at the time of deprivation, has subsequent to 8 May 1945 been deprived of the ownership or enjoyment by confiscation, nationalisation, expropriation or dispossession.

**5.** An application made under Article 3 of this Order shall contain the following information:—

(1) in relation to a claim specified in Article 4 paragraph (1) of this Order:

- (a) the nationality on 8th May 1945 of the person by or on whose behalf the application is made or of his predecessor in title; and
- (b) the location, condition and value of the property and, in the case of a debt, the debtor his nationality and place of residence on 8th May 1945 and on the date of the application insofar as such matters are known to the person by or on whose behalf the application is made;

(2) in relation to a claim specified in Article 4 paragraph (2) of this Order:

—the location, condition and value of the property and, in the case of a debt, the debtor his nationality and place of residence at the date of deprivation and at the date of the application insofar as such matters are known to the person by or on whose behalf the application is made;

(3) in relation to any claim specified in Article 4 of this Order, the amount and source of any compensation or payment received in respect of the claim at any time, whether by the person by or on whose behalf the application is made or by any other person.

**6.** An application shall not be entertained under this Order unless it has reached the Commission on or before 30th January 1976.

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

**8.** In exercising their functions under this Order the Commission shall act in their administrative capacity.

*N. E. Leigh*

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### **EXPLANATORY NOTE**

This Order enables certain claims relating to property in the German Democratic Republic and Berlin (East) owned by United Kingdom nationals or relating to debts owed by persons resident in the German Democratic Republic and Berlin (East) to United Kingdom nationals to be registered with, and reported upon by, the Foreign Compensation Commission.