
STATUTORY INSTRUMENTS

1976 No. 1154

The Foreign Compensation (Romania) Order 1976

PART VII

CLAIMS IN RESPECT OF DEBTS AND BANK BALANCES

25. No application may be made under this Part of the Order—

- (a) in respect of a bond; or
- (b) by Shell International Petroleum Company Limited, their successors or assigns; or
- (c) in respect of any claim in respect of which a payment was made by the Commission under the Foreign Compensation (Roumania) Order 1961(1) as amended(2).

26.—(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;
- (b) any person who was a United Kingdom national on 12th January 1976;
- (c) any person who has on or after 12th January 1976 succeeded to the claim of any person qualified under subparagraph (b) of this paragraph;
- (d) a trustee for any person qualified under subparagraph (b) or (c) of this paragraph.

(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 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.

27.—(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 26 of this Order to make such application;
- (b) that his application relates—
 - (i) to a debt which at any time before 15th September 1947 was owing to Her Majesty's Government in the United Kingdom or to a United Kingdom national from the

(1) (1961 III, p. 3475).

(2) S.I. 1964/494, 1966/444 (1964 I, p. 829; 1966 I, p. 954).

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Romanian Government or a Romanian national ordinarily resident or carrying on business in Romania and which is still unpaid; or

(ii) to a balance which was held by a United Kingdom national on 15th September 1947 in a bank in Romania and which is still outstanding; and

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

(2) For the purposes of paragraph (1) of this Article and of Article 10 of this Order, the Commission may assume, if they think fit, that a debt or balance was irrecoverable on or after 15th September 1947.

28. 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 shall be taken to be the principal amount outstanding on 15th September 1947:

Provided that, if the contract expressly provided for the payment of interest, the value of the debt shall be deemed to be the principal amount outstanding on 15th September 1947 multiplied by the factor of 2;

(b) the value of a balance in a bank shall be taken to be the amount outstanding on 15th September 1947, but account shall be taken of any withdrawals by or on the order of the holder from the bank account after that date.