

1976 No. 1646

FOREIGN COMPENSATION

**The Foreign Compensation Commission (Romania) Rules
Approval Instrument 1976**

<i>Made - - - -</i>	<i>5th October 1976</i>
<i>Laid before Parliament</i>	<i>13th October 1976</i>
<i>Coming into Operation</i>	<i>1st November 1976</i>

Whereas the Foreign Compensation Commission have, in exercise of their powers under section 4(2) and (3) of the Foreign Compensation Act 1950(a), made rules of procedure and submitted them to the Lord Chancellor for his approval:

Now, therefore, the Lord Chancellor, in exercise of the powers conferred on him by sections 4(2) and 8 of the said Act, hereby approves the said rules in the form set out in the Schedule hereto.

This Instrument may be cited as the Foreign Compensation Commission (Romania) Rules Approval Instrument 1976 and shall come into operation on 1st November 1976.

Dated 5th October 1976.

Elwyn-Jones, C.

SCHEDULE

The Foreign Compensation Commission, in exercise of their powers under section 4(2) and (3) of the Foreign Compensation Act 1950, hereby make the following Rules:—

Citation and application

1.—(1) These Rules may be cited as the Foreign Compensation Commission (Romania) Rules 1976.

(2) These Rules shall apply to all applications under the Foreign Compensation (Romania) Order 1976(b) and no rules heretofore made by the Commission shall apply to such applications.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

“Chief Examiner” means the Chief Examiner appointed by the Commission and any person authorised by the Commission to act as such;

“the Commission” means the Foreign Compensation Commission;

“Commissioner” means the Chairman or other member of the Commission;

(a) 1950 c. 12.

(b) S.I. 1976/1154 (1976 II, p. 3147).

“determination” means the determination of a claim in pursuance of rule 10(3), 12(1) or 38;

“Fund” means the Socialist Republic of Romania Compensation Fund established under Article 3 of the Order in Council;

“Legal Officer” means the Legal Officer appointed by the Commission to represent the interests of the Fund and any person authorised by the Commission to act on his behalf;

“the Order in Council” means the Foreign Compensation (Romania) Order 1976;

“personal representative” means 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;

“pleading” means the application (or any document accepted by the Commission in lieu thereof), the Answer (if any), the Reply (if any), a Written Argument (if any) and any amendment of or particulars delivered in respect of any of the above documents;

“preliminary assessment” means a preliminary assessment of the amount of a claim in accordance with rule 10(1);

“Registrar” means the Registrar appointed by the Commission and includes an Assistant Registrar so appointed.

(2) Expressions defined in the Order in Council shall have the meanings therein assigned to them.

(3) A form referred to by letter means the form so lettered in the Appendix to these Rules.

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Claims

3. Unless the Commission otherwise order, a claim shall be made by an application in the appropriate form issued or approved by the Commission, which shall be signed by the applicant or, in the case of the Crown, by the officer authorised on behalf of the Government of the United Kingdom or, in the case of a corporation, by the secretary or a director. Applications shall be addressed to the Commission and delivered by prepaid post or by hand.

Time and form of applications

4.—(1) No application shall be entertained unless it has reached the Commission on or before 1st August 1977.

(2) An applicant shall be deemed to have complied with paragraph (1) of this rule if he shall have delivered to the Commission on or before the said date the application form issued by the Commission duly completed and signed or such other document as the Commission may accept as giving sufficient notice of the claim:

Provided that, if the application shall not have been made on the form issued by the Commission, the Commission may make it a condition of the entertainment of the application that the applicant shall complete, sign and deliver to the Commission an application in such form not later than one month after the said date.

(3) Save with the leave of not less than two Commissioners no claim shall be further entertained which has been withdrawn by or on behalf of an

applicant either in writing or at an oral hearing.

Estates of deceased persons

5. Where a person has died on a date within the period of one year immediately preceding the 1st August 1977 an application may be made in respect of a claim on behalf of his estate, notwithstanding that there is no personal representative, by any person who—

- (a) has taken out a grant of administration in respect of that estate in any part of the Commonwealth other than the United Kingdom; or
- (b) is named as an executor in the last will of the deceased person; or
- (c) appears to the Commission to be the widower, widow, child, parent, brother or sister of the deceased person:

Provided that—

- (i) the Commission shall not accept more than one application on behalf of the same estate;
- (ii) the Commission may at any time as regards any applicant require a grant of administration to be obtained in the United Kingdom and may set a time limit within which such grant of administration shall be obtained and produced to the Commission;
- (iii) upon the obtaining of such a grant the person to whom it is made, if not already an applicant, shall be substituted as applicant by order of the Commission on his signing all appropriate forms;
- (iv) if no such grant of administration shall have been obtained within any time limit so set by the Commission, or if the person to whom it has been made shall fail within any time limit set by the Commission to sign any appropriate form, any such application shall not be further entertained by the Commission;
- (v) without prejudice to the power of the Commission under rule 13 no determination of a claim in any such case shall be made unless and until a grant of administration shall be produced as aforesaid.

Minors

6.—(1) Application may be made on behalf of a minor by his next friend.

(2) Any such application may be carried on by:—

- (a) his parent or guardian, or
- (b) any person appointed for the purpose by his parent or guardian, or
- (c) a person appointed by the Commission.

(3) Upon any such minor attaining full age, the application shall be carried on in his name unless he shall withdraw it in writing upon or within three months after his attaining full age.

Unincorporated associations

7.—(1) Where a claim under the Order in Council is made in respect of any property of an unincorporated association, charitable or otherwise, the Commission may appoint any two or more persons who appear to them to be suitable to represent the interests of the association to make or continue an application on its behalf.

(2) The Commission may at any time discharge any appointment so made or appoint any other person in addition to, or in substitution for, any person previously so appointed.

(3) No person shall be appointed under the preceding paragraphs of this rule without his consent in writing.

(4) Any person for the time being so appointed shall for all the purposes of these Rules be deemed to be an applicant.

Joinder of claims

8. Several distinct claims under the Order in Council may be made in one application, but if it appears that they cannot conveniently be disposed of together the Commission may give directions for their separate disposal.

Record of applications

9.—(1) The Chief Examiner shall enter in a register short particulars of each application and of any amendment thereto.

(2) The register shall be in such form as the Commission may direct and shall be available for inspection by all applicants claiming under the Order in Council during usual office hours.

(3) Any applicant may inform the Legal Officer of any objection he may have to the claim of any other applicant and the grounds thereof, and in that event the Legal Officer shall report the objection and the grounds thereof to the Commission.

Preliminary assessment

10.—(1) Where it appears to the Commission after due investigation that an application has been made in proper form by a person entitled to claim and that the only issues to be decided under the application relate to the amount to be assessed in respect of any claim, then, after any directions to the applicant as to the production of evidence required have been complied with, the Commission may, after such consultation, if any, with the Legal Officer as they may think fit, make a preliminary assessment of the amount to which the applicant is entitled on the claim upon the evidence submitted by the applicant and any other information made available to the Commission.

(2) The applicant and the Legal Officer shall be sent a statement in writing of the preliminary assessment together with a notice informing them that if, within a period of 28 days from the date of service of the notice, the applicant consents in writing to the amount assessed and the Legal Officer does not object, specifying the grounds of his objection, the Commission may make a determination in accordance with such preliminary assessment.

(3) Subject to paragraphs (1) and (2) of this rule a determination in accordance with the preliminary assessment may be made by the Commission, but if the applicant does not accept the preliminary assessment, or the Legal Officer objects to it, or the Commission decide for any other reason not to make such a determination, the Commission shall give directions as to all subsequent proceedings.

Directions

11. Where it appears to the Commission that there are issues to be decided under the application which do not relate solely to the amount to be assessed in respect of a claim, they may at any time give such directions as appear to be expedient for a speedy determination of the claim.

Unopposed application

12.—(1) In any case where directions shall have been given under rule 10(3) or 11, the Legal Officer may file with the Registrar a statement recommending the Commission to admit a claim at the sum claimed or at a sum agreed in writing by the applicant to be the amount thereof, and the Commission may determine the matter accordingly by admitting the claim at a sum not less than the sum so

recommended. A recommendation may be filed at any time before determination notwithstanding that an Answer has been filed under rule 14.

(2) Before making a determination the Commission may require the applicant to make or obtain a statutory declaration of the statements by which he has supported his claim.

Summary dismissal

13.—(1) If it appears to the Legal Officer that as regards any claim made by an applicant the facts alleged by the applicant are such that the applicant cannot satisfy the Commission of the matters requisite for the establishment of such claim under the Order in Council, the Legal Officer may apply to the Commission for an order that any such claim be summarily dismissed. Not less than 28 days' notice of his intention so to apply and of the grounds for the application shall be served upon the applicant in Form A.

(2) An application by the Legal Officer under this rule shall be heard orally by the Commission who may after taking into consideration any oral or written submission made by the Legal Officer and the applicant make an order dismissing such claim wholly or in part or give such directions in the matter as may be thought proper.

(3) The Commission may at any time on reasonable cause shown by or on behalf of an applicant revoke any such order of dismissal wholly or in part.

(4) No order or revocation of an order made by the Commission under this rule shall constitute a determination subject to review in accordance with rule 39, and no revocation or other order made under paragraph (3) hereof shall be deemed to be a review in accordance with the said rule.

(5) Any order or revocation of an order under this rule shall be made by not less than two Commissioners.

Answer

14.—(1) Subject to paragraphs (2) and (3) of this rule the Legal Officer shall file an Answer to every application setting out any matters affecting the application which in his view the Commission should consider. A copy of the Answer shall be served on the applicant.

(2) Paragraph (1) of this rule shall not apply in any case where—

- (a) a preliminary assessment has been accepted by an applicant and is not objected to by the Legal Officer; or
- (b) a recommendation made by the Legal Officer under rule 12 is accepted by the Commission.

(3) Nothing in this rule shall be construed as derogating from any power of the Commission to give directions under rule 10 or rule 11, or from any of the provisions of rule 13 relating to summary dismissal.

Reply

15. Within 28 days after service of the Answer an applicant may deliver to the Registrar a Reply, together with any further particulars, and a copy thereof for service on the Legal Officer.

Further and better particulars

16. Where an applicant or the Legal Officer refuses or fails to supply further and better particulars of any pleading when requested to do so in writing, the Commission may, upon a request being made, give directions for the delivery of such particulars. If the applicant refuses or fails to comply with any such

directions within the time specified therein the Commission may treat the claim in question as withdrawn.

Oral hearing

17.—(1) An applicant may, at any time within 28 days after service of the Answer or with his Reply, elect in writing to the Commission for a determination of his application by way of oral hearing.

(2) If an applicant elects or the Commission decide that there shall be an oral hearing, the applicant may apply at any time for a date and place to be fixed or the Commission may of their own motion fix the same. Notice shall be given to the applicant by the Registrar of the date and place and of any adjournment of the hearing.

Questions of general importance

18.—(1) If at any time it appears to the Commission to be desirable that any question of law or fact, whether arising in one application or common to any number or class of applications, should be decided at a preliminary hearing, the Commission may give notice to all applicants who in their discretion they consider would be affected by the decision, stating the question to be decided and fixing a time and place for such preliminary hearing before two or more Commissioners, who may:—

- (a) state and amend the form of the question to be decided;
- (b) appoint one or more applicants who may be heard in a representative capacity in relation to the question;
- (c) appoint a time and place for the hearing;
- (d) direct the Legal Officer to present any evidence or argument in relation to the question which it may appear might not otherwise be adequately presented;
- (e) make such order therein as may be deemed expedient.

(2) Unless the Commission shall otherwise order, the decision of any question at such preliminary hearing shall be binding in any application to which it relates and in any future proceeding in which it may arise, but shall not constitute a determination subject to review in accordance with rule 39.

Written argument

19.—(1) If an applicant does not elect for an oral hearing he may within 28 days of the service of the Answer or with his Reply, whichever is the later, submit a written argument not containing allegations of fact other than those which he has already pleaded, together with a copy for the Legal Officer.

(2) After considering the written argument and any submission concerning it which the Legal Officer may make the Commission shall proceed to a determination in due course of the application under rule 38.

Amendments

20.—(1) Subject to rule 21, a pleading may be amended only with the leave of the Commission which shall be granted only in special circumstances.

(2) A copy of the proposed amendment shall be delivered to the Registrar with a copy for service on the applicant or the Legal Officer, as the case may be.

Change of applicant

21.—(1) Except in the case of a withdrawal in accordance with rule 4(3), and subject to rule 22, no applicant shall be removed nor shall any new applicant be added, without an application to, and an order of, the Commission. Any such

directions within the time specified therein the Commission may treat the claim in question as withdrawn.

Oral hearing

17.—(1) An applicant may, at any time within 28 days after service of the Answer or with his Reply, elect in writing to the Commission for a determination of his application by way of oral hearing.

(2) If an applicant elects or the Commission decide that there shall be an oral hearing, the applicant may apply at any time for a date and place to be fixed or the Commission may of their own motion fix the same. Notice shall be given to the applicant by the Registrar of the date and place and of any adjournment of the hearing.

Questions of general importance

18.—(1) If at any time it appears to the Commission to be desirable that any question of law or fact, whether arising in one application or common to any number or class of applications, should be decided at a preliminary hearing, the Commission may give notice to all applicants who in their discretion they consider would be affected by the decision, stating the question to be decided and fixing a time and place for such preliminary hearing before two or more Commissioners, who may:—

- (a) state and amend the form of the question to be decided;
- (b) appoint one or more applicants who may be heard in a representative capacity in relation to the question;
- (c) appoint a time and place for the hearing;
- (d) direct the Legal Officer to present any evidence or argument in relation to the question which it may appear might not otherwise be adequately presented;
- (e) make such order therein as may be deemed expedient.

(2) Unless the Commission shall otherwise order, the decision of any question at such preliminary hearing shall be binding in any application to which it relates and in any future proceeding in which it may arise, but shall not constitute a determination subject to review in accordance with rule 39.

Written argument

19.—(1) If an applicant does not elect for an oral hearing he may within 28 days of the service of the Answer or with his Reply, whichever is the later, submit a written argument not containing allegations of fact other than those which he has already pleaded, together with a copy for the Legal Officer.

(2) After considering the written argument and any submission concerning it which the Legal Officer may make the Commission shall proceed to a determination in due course of the application under rule 38.

Amendments

20.—(1) Subject to rule 21, a pleading may be amended only with the leave of the Commission which shall be granted only in special circumstances.

(2) A copy of the proposed amendment shall be delivered to the Registrar with a copy for service on the applicant or the Legal Officer, as the case may be.

Change of applicant

21.—(1) Except in the case of a withdrawal in accordance with rule 4(3), and subject to rule 22, no applicant shall be removed nor shall any new applicant be added, without an application to, and an order of, the Commission. Any such

application shall be in writing accompanied by full reasons therefor and shall contain full particulars of the proposed new applicant and shall be served on the Legal Officer and any applicant who may be affected.

(2) If the Legal Officer or any applicant desires to oppose such application he must so inform the Commission and the proposed new applicant within 28 days of the service on him of such application.

(3) Any order by the Commission granting such application shall contain any directions necessary to carry such order into effect.

Death of applicant or devolution, assignment or transfer of claim

22.—(1) Upon the death of an applicant, or upon any devolution in law, assignment or transfer of any claim, the application may, subject to this rule, be continued, as regards any claim not already finally determined, by:—

(a) the personal representative of the deceased applicant;

(b) a person claiming to be entitled to continue the application or any claim therein in lieu of any applicant by virtue of any devolution in law, assignment or transfer from the said applicant.

(2) After the expiration of six months from the date of the death of the deceased applicant, or of the devolution in law, assignment or transfer of any claim, the application or claim in question may be continued as in paragraph (1) of this rule only with the leave of not less than two Commissioners, who may grant or refuse such leave at their absolute discretion.

(3) No person shall be entitled to continue an application or claim under paragraphs (1) and (2) of this rule unless he shall first produce his full particulars and evidence of his title to the satisfaction of the Commission, and shall sign or execute the application form already filed with the Commission.

(4) Failing the grant of leave under paragraph (2), or the taking of any such action as is provided for in paragraph (3) of this rule, the Commission shall not further consider the application or claim in question, which shall be deemed to have abated.

(5) Nothing in the foregoing paragraphs of this rule shall be deemed to affect any application or claim surviving to a joint applicant.

Language of proceedings and translations

23.—(1) All applications to and the proceedings of the Commission shall be in the English language.

(2) The Commission may at any time order that an English translation be made of any document, and any copy of a translation so made or submitted by the applicant may be certified by the Registrar to be a true translation and may be used in any proceedings before the Commission.

(3) The Commission may appoint interpreters to interpret oral evidence in any proceedings or translate documents for the use of the Commission and the Legal Officer.

(4) The Commission may appoint language arbiters to whom any disputed question of translation or interpretation shall be referred, and the decision of any language arbiter shall be accepted as final.

Power to receive evidence

24. The Commission shall not be bound by rules of evidence and may admit in evidence any document or statement whether on oath or not which they deem to have probative value, but no such document or statement may without leave of the Commission be used unless it has been disclosed to the applicant or the

Legal Officer, as the case may be, not more than 28 days after the delivery of a Reply in accordance with rule 15, or, if none has been so delivered, after the expiry of the time limited therefor, and the Commission may direct that any such document or statement shall not be used unless the maker thereof is produced for cross-examination.

Public hearing

25. Subject to any directions given by the Commission every oral hearing shall be in public.

Associated applications

26. Where there are pending at the same time two or more applications which could, in the opinion of the Commission, be conveniently taken together, the Commission may, on the request of an applicant or the Legal Officer or of their own motion, order that such several applications or parts thereof be determined at the same time. Upon making such an order the Commission shall give any consequential directions that may be required.

Oaths, affirmations and answer

27. The Commission shall have power to administer an oath to or take the affirmation of any applicant or witness and to require any such person to take such oath or make such affirmation and to answer any question to which the Commission may legally require an answer.

Reports or information

28.—(1) The Commission may at any time, on the request of an applicant or the Legal Officer or of their own motion, order that a report or information be provided by any person nominated by the Commission on any matter which they are to consider, and a copy thereof shall be supplied to the applicant and the Legal Officer to enable them to comment thereon or to apply to the Commission for leave to cross-examine the maker or giver thereof.

(2) An applicant or the Legal Officer may at any time apply to the Commission for, or the Commission may of their own motion issue, an order in Form B, with such variations as circumstances may require, addressed to any person requiring him to furnish such report or information as may be specified in the order.

Summonses to witnesses and orders to forward documents

29.—(1) A summons for any person to attend to give evidence and to produce documents shall be in Form C and an order to forward documents shall be in Form D, with such variations as circumstances may require.

(2) Where an applicant or the Legal Officer desires a summons or order to issue, the Registrar may issue the same and, in the case of a summons in Form C, shall specify therein a sum to be tendered to the person to be summoned to attend which shall be reasonably sufficient to cover his expenses in travelling to and from the place of hearing.

(3) An applicant or the Legal Officer, as the case may be, shall serve with the summons an undertaking in Form E to pay to the person summoned to attend compensation for loss of time and any additional expenses which may be certified by the Registrar to have been reasonably incurred.

(4) Each summons or order shall contain the name of one person only and shall be served personally a reasonable time before the date fixed for hearing.

(5) No summons or order issued pursuant to this rule shall be valid unless it is served upon the person named therein within 12 weeks from the date of signature

by the Registrar and unless the conditions therein with regard to compensation for loss of time and expenses are complied with.

Power to inspect

30. Where in response to an order under rule 28 or 29 the person to whom it is addressed forwards to the Commission any document or statement, the Registrar shall forthwith inform the applicant and the Legal Officer, who shall be entitled to inspect and take copies thereof. If any such document or statement is used by the applicant or the Legal Officer it shall be treated as though it had been disclosed in accordance with the provisions of rule 24.

Taking evidence abroad

31. The Commission may give such directions for the taking of evidence abroad and for the manner thereof as may be deemed expedient.

Time

32. The time appointed by these Rules (except rule 4) for doing any act or taking any step in proceedings:—

- (a) shall, if the act is to be done or the step taken by a person normally resident outside the United Kingdom, be extended by 28 days; and
- (b) may be extended, if the Commission so order, for any period in their discretion notwithstanding that the time appointed has already expired.

Orders and directions and refusal to entertain application

33. Without prejudice to any other provision for orders or directions in these Rules, the Commission may, if an applicant or the Legal Officer requests it, or of the Commission's own motion, make any order or give any direction in connection with any application, or may refuse to entertain any application.

Appeals from orders or directions or refusal to entertain

34. An appeal shall lie from any order or direction under these Rules by a single Commissioner in connection with any application, or from any refusal by a single Commissioner to entertain any application, to two or more Commissioners, if notice of appeal is delivered by the applicant or the Legal Officer to the Registrar within 21 days of the order, direction or refusal.

Service by post

35. Save as otherwise provided in these Rules, any notice or other document required or authorised to be served on any person for the purpose of these Rules may be sent by pre-paid post to that person at his last ordinary or permanent address notified to the Commission or other address for service specified in any notice given under these Rules, and if so sent it shall be deemed to have been duly served on the date of such posting. The address of a solicitor instructed by an applicant to act generally in relation to his claim shall be deemed to be an address for service specified as aforesaid.

Copies of notices and requests

36. All notices and requests to the Commission or to the Registrar shall be in writing and shall be sent by pre-paid post or delivered by hand and a copy thereof shall at the same time be served on the applicant or the Legal Officer, as the case may be.

Right of audience

37.—(1) Save as provided in paragraph (2) hereof the following persons only

may address the Commission:—

- (a) an applicant other than a corporation;
- (b) the Legal Officer;
- (c) a barrister retained by or on behalf of an applicant or the Legal Officer;
- (d) a solicitor acting generally in the proceedings for an applicant (in this paragraph referred to as “a solicitor on the record”), any solicitor employed by a solicitor on the record, any solicitor engaged as an agent by a solicitor on the record, and any solicitor employed by a solicitor so engaged;
- (e) in the case of an applicant corporation, a member of the Board of Directors or the secretary, if the Commission give leave on grounds of hardship.

(2) At any hearing before one Commissioner and on the hearing of any appeal under rule 34 the right of audience shall extend to any person in the regular employment of a solicitor.

(3) A person having in Scotland, Northern Ireland or any part of the Commonwealth qualifications and rights of audience similar to those of a barrister or solicitor in England and Wales shall have the same right before the Commission.

Determinations

38. A determination of every claim not previously withdrawn, whether or not by way of oral hearing, and including any made in pursuance of rule 10 or 12, shall be made by the Commission, and notice in writing thereof shall be given to every applicant and the Legal Officer. It shall not be necessary for the Commission to meet for the purpose of announcing their determination.

Provisional determinations and reviews

39.—(1) Subject to rules 13(4) and 18(2) all determinations of the Commission shall be provisional and subject to review. Save as hereinafter provided, the time for and procedure upon review shall be at the discretion of the Commission.

(2) Before reviewing any provisional determination the Commission shall serve upon the applicant notice of intention to review.

(3) The Commission may invite the applicant and the Legal Officer to submit additional written evidence or argument or to attend an oral hearing on review, or may give leave to them respectively so to do if application for such leave is made before the expiration of 28 days after service of notice of intention to review, but, unless so invited or given leave and subject as hereinafter provided, neither the applicant nor the Legal Officer shall be entitled to have an oral hearing on review or to submit any additional evidence or argument.

(4) An applicant shall be entitled to submit additional written evidence or argument or to have an oral hearing, if the Commission propose on review to disallow or reduce the amount of any claim provisionally allowed, and the Legal Officer shall be so entitled if the Commission propose on review to increase the amount of a claim provisionally allowed or to allow a claim provisionally disallowed.

(5) The Commission shall serve upon the applicant and the Legal Officer respectively (as the case may require) notice in writing of any such proposal as is referred to in paragraph (4) of this rule and any written evidence or argument or demand for an oral hearing on review shall be served upon the Commission before the expiration of 28 days from the service of the notice of such proposal.

(6) There shall not be more than one review of any determination:

Provided nevertheless that if it shall appear to the Commission that the determination by the Commission of any claim (whether such determination shall have been reviewed by the Commission or not) has been affected by any alteration of the provisions of the Order in Council or as a result of any proceedings questioning the said determination under section 3 of the Foreign Compensation Act 1969(a) or otherwise, the Commission may revoke the said determination either wholly or in part and in lieu thereof or of the part revoked make a fresh determination which shall be provisional and subject to review in accordance with this rule. Any such revocation shall be made after giving reasonable prior notice thereof to the applicant and the Legal Officer and considering any submission in writing or, subject to the leave of the Commission, any oral evidence or argument on behalf of either party.

Number of Commissioners

40.—(1) Subject to the provisions of Article 7 of the Order in Council every determination which is subject to review under rule 39 shall be made by not less than two Commissioners.

(2) Every review of a determination in accordance with rule 39 shall be conducted by not less than two Commissioners.

(3) In any case where under Article 7 of the Order in Council a determination will require to be made by not less than two Commissioners the preliminary assessment shall be made by not less than two Commissioners.

(4) Save as otherwise expressly provided in these Rules, any preliminary assessment, order, direction or other act of the Commission may be made, given or done by a single Commissioner.

Selection of Commissioners

41.—(1) The Chairman, or in his absence the next senior Commissioner, may select any Commissioners required to hear and determine any particular application or group of applications or any matter arising therein, or to conduct any review of a determination, and may from time to time vary the Commissioners selected, and where more than one Commissioner is required shall appoint the Commissioner who is to preside.

(2) If in the course of any hearing one or more of the Commissioners so appointed become unable to attend another Commissioner may, with the consent of the applicant, in like manner be appointed.

Majority decision

42. In case of disagreement the opinion of the majority of the Commissioners hearing or determining an application or conducting the review of a determination shall prevail. If the opinions shall be equally divided the opinion of the presiding Commissioner shall prevail.

Admission by Legal Officer

43. In determining any application the Commission shall not be bound by any admission or concession by the Legal Officer on any question of fact or of law.

Amendment of determinations, orders and directions

44. Clerical mistakes in determinations, orders or directions, or errors arising from any accidental slip or omission may at any time, without review, be corrected by the Commission of their own motion after giving notice to the applicant and the Legal Officer or on the application of the applicant or the Legal Officer after giving notice to the other of them.

Non-compliance with Rules

45. Non-compliance with any of these Rules shall not render void any proceedings unless the Commission shall so direct.

A P P E N D I X

(Rule 13)

Form A

Foreign Compensation Act 1950

APPLICATION FOR SUMMARY DISMISSAL

FOREIGN COMPENSATION COMMISSION

IN THE MATTER OF THE FOREIGN COMPENSATION (ROMANIA) ORDER
1976
AND
IN THE MATTER OF THE APPLICATION OF

TAKE NOTICE that the Legal Officer intends to apply to the Commission under Rule 13 of the Foreign Compensation Commission (Romania) Rules 1976 at _____ on _____ day the _____ day of _____ 19____ at 10.15 a.m. for an order that the application of the above-mentioned Applicant so far as regards the under-mentioned claims be dismissed on the grounds hereinafter stated that is to say

The claim in respect of

The grounds for this application are that the requirements of the above Order cannot be satisfied, in that

AND FURTHER TAKE NOTICE that the said application will be heard orally by the Commission and that you may attend such hearing and that the Commission will take into consideration submissions (if any) made by you or on your behalf orally at the hearing or in writing

Dated this _____ day of _____ 19____

Registrar

(Rule 28)

Form B

Foreign Compensation Act 1950

ORDER TO FURNISH REPORT OR INFORMATION

FOREIGN COMPENSATION COMMISSION

IN THE MATTER OF AN APPLICATION pending before the Foreign
Compensation Commission

by

Applicant

To

of

You are hereby required to furnish the report/information specified in the Schedule
hereto which must be forwarded by registered post addressed to the Registrar, Foreign
Compensation Commission, Alexandra House, Kingsway, London, WC2B 6TT, before

the day of 19 .

Dated this day of 19 .

Registrar
by Order of the Commission

If you fail to comply with this Order the Chairman of the Commission may certify
your failure to the High Court which may if it thinks fit punish you as for a contempt of
Court.

If in addition to furnishing the report/information as above directed you wish to give
oral evidence at your own expense please so indicate in order that you may be notified of
the date of hearing.

The Commission will refund to you the postage incurred in complying with this
Order.

SCHEDULE

(Rule 29)

Form C

Foreign Compensation Act 1950**SUMMONS TO ATTEND TO GIVE EVIDENCE****FOREIGN COMPENSATION COMMISSION**

IN THE MATTER OF AN APPLICATION pending before the Foreign
Compensation Commission

by

Applicant

To

of

You are hereby summoned to attend at _____ on the _____ day of
19____ at _____ in _____ the _____ noon
and so from day to day until the above matter has been heard to give evidence in the
above application.

And also to bring with you and produce at the time and place aforesaid (specify
documents to be produced).

Dated this _____ day of _____ 19____ .

Registrar

This summons is issued at the request of*

You are not obliged to attend unless on the service of this summons the said*
tenders to you the sum of £ _____ on account of your expenses, and gives you a
written undertaking to pay to you such further sum in respect of expenses and loss of
time as the Registrar to the Commission may certify to be reasonable.

If you fail to attend as aforesaid the Chairman of the Commission may certify your
absence to the High Court which may if it thinks fit punish you as for a contempt of
Court.

You may if you think fit apply in writing to the Commission, for just cause, particulars
whereof must be stated, for an order to set aside this summons. Any such request must
be sent by registered post addressed to the Registrar of the Commission at Alexandra
House, Kingsway, London, WC2B 6TT within seven days after service of this summons.
If the cause alleged is ill-health a medical certificate must be enclosed with the request.

This summons is of no validity unless served upon you within twelve weeks from the
date of its signature as above.

Receipt of Expenses

I hereby acknowledge the receipt of the sum of £ _____ on account of my expenses
and of the required written undertaking.

Signed†

* Fill in name of person making request for summons.
† To be signed by person to whom summons is directed.

(Rule 29)

Form D

Foreign Compensation Act 1950

ORDER TO FORWARD DOCUMENTS

FOREIGN COMPENSATION COMMISSION

IN THE MATTER OF AN APPLICATION pending before the Foreign
Compensation Commission

by

Applicant

To

of

You are hereby required to forward by registered post to the Commission at
Alexandra House, Kingsway, London, WC2B 6TT, on or before the day of
19 , the following documents:—

If the said documents or any of them are not in your possession, custody or power or
if you claim to have legal objection to the production of the documents or any of them
you must on or before the last-mentioned date forward as above directed a declaration
signed by yourself giving the reasons for your inability or objection to forward each of
the documents to which such reasons apply.

If you know the name and/or address of the person in whose possession, custody or
power the said documents or any of them now are or have been you must give it.

Dated this day of 19 .

Registrar

This order is issued at the request of*

If you fail without reasonable excuse to comply with this Order the Chairman of the
Commission may certify your failure to the High Court which may if it thinks fit
punish you as for a contempt of Court.

This Order is of no validity unless served upon you within twelve weeks from the date
of its signature as above.

The Commission will refund to you the cost of forwarding the said documents.

* Fill in name of person making request for summons.

(Rule 29)

Form E

Foreign Compensation Act 1950FORM OF UNDERTAKING TO PAY EXPENSES AND COMPENSATION FOR
LOSS OF TIME

FOREIGN COMPENSATION COMMISSION

In addition to the sum of £ paid to the said*

in respect of expenses I hereby undertake to pay to the said*
such further sum in respect of expenses and/or loss of time as the Registrar of the
Commission may certify to be reasonable.

Signature of the person applying
for summons in Form C

*Insert name of witness

The Seal of the Foreign Compensation Commission was hereunto affixed
this 4th day of October 1976.

R. Windham,
Chairman of the Commission.

(L.S.)

H. Walsh,
Secretary.

EXPLANATORY NOTE

(This Note is not part of the Instrument.)

By this Instrument the Lord Chancellor approves rules made by the Foreign Compensation Commission to govern the procedure to be followed by the Commission in the disposal of applications under the Foreign Compensation (Romania) Order, 1965. They are based on those made under previous Orders in Council providing for the determination of claims and the distribution of compensation by the Commission.

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