
STATUTORY INSTRUMENTS

1987 No. 2201

**The Foreign Compensation (People's
Republic of China) Order 1987**

PART V

**CLAIMS IN RESPECT OF DEBTS, BANK
BALANCES, SHARES AND OTHER PROPERTY**

Qualifications to make Application

16. An application to the Commission for the purpose of establishing a claim under this Part of the Order may be made by any person who was on 5th June 1987 (or, if he is a trustee, is a trustee for a person who was on 5th June 1987) either:—

- (a) a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British Protected Person, or
- (b) a corporation, firm or association incorporated or constituted under the laws in force in the United Kingdom or in any country or territory for whose international relations Her Majesty's Government in the United Kingdom were on 5th June 1987 responsible.

Property

17.—(1) To establish a claim under this Part of the Order in respect of property (other than a debt, a balance in a bank, a share or a pension or contributions towards a pension), 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 16 of this Order to make such application;
- (b) that immediately before the relevant date the property to which the application relates was situated in the territory and was British property (as provided in paragraph (2) of this Article); and
- (c) that he or his predecessor in title (or, if he is a trustee, the person for whom he is a trustee or the predecessor in title of such person) was deprived on a relevant date of ownership or enjoyment of such property by any act of confiscation, nationalisation, expropriation, destruction, or dispossession whether direct or indirect or through the application of measures effectively causing dispossession.

(2) Property shall be deemed to be British property for the purposes of this Article to the extent that it was beneficially owned by a British national.

Debts and Bank Balances

18. To establish a claim under this Part of this 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 16 of this Order to make such application;

- (b) that his application relates, either
 - (i) to a debt which at the relevant date was owing to a British national from a public authority or other person (other than a British national) resident or carrying on business in the territory and which is still unpaid; or
 - (ii) to a balance which was held by a British national on the relevant date in a bank in the territory and which is still outstanding; and
 - (iii) to a balance in a bank in the territory which, as a result of any provision of the Agreement, he (or if he is a trustee, the person for whom he is a trustee) has become unable to recover and which is still outstanding; and
- (c) that he (or, if he is a trustee, the person for whom he is a trustee) is the person to whom the debt or the outstanding bank balance is owing.

Shares

19. To establish a claim under this Part of the Order in respect of a share, 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 16 of the Order to make such application;
- (b) that the share was beneficially owned at the relevant date by a British national;
- (c) that the company to which the share related was incorporated or constituted under the laws in force in the territory; and
- (d) that he or his predecessor in title (or, if he is a trustee, the person for whom he is trustee or the predecessor in title of such person) has suffered loss in respect of the share as a result of any act of confiscation, nationalisation, expropriation or other act of dispossession applied in the territory on a relevant date to the share or to the company or to any of its assets.

20. For the purposes of this Part of this Order, the Commission may, if they think fit, assume, without proof of any specific act of dispossession, that any person has been deprived of title to or enjoyment of any property, or that such a person has suffered loss in respect of a share, and that such deprivation or loss was the result of an action or course of action or omission of the authorities of the area in which the property or share was situated.