
STATUTORY INSTRUMENTS

1987 No. 2201

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

PART VII

PAYMENTS OUT OF THE FUND

22.—(1) The Commission shall make payments out of the Fund to every person who has established a claim under this Order and who applies to the Commission for payment.

(2) If any person who has so established a claim shall have died before the amounts payable to him under Articles 23 and 24 of this Order have been paid to him, such payments or the balance thereof shall be made to his personal representatives if they apply to the Commission for payment: provided that, if the Commission are satisfied that no grant of administration of his estate has been made in the United Kingdom and that the assets of his estate (including the amount payable under this Order) do not exceed £1,500 in value, the Commission may, at their discretion and subject to such conditions as the Commission think proper, make such payment either to any person who has taken out administration in any other part of the Commonwealth, or to the person who shall appear to the Commission to be the person who, being a widower, widow, child, father, mother, brother or sister of the deceased person, would, under the law of England, have the prior right to a grant of administration of the estate of the deceased person if such deceased person had died intestate domiciled in England.

(3) If any person whose claim has been so established is a minor at the date when the amounts payable to him under Articles 23 and 24 of this Order are due to be paid, the Commission may make payment thereof into the Supreme Court, or, if the amount thereof does not exceed £5,000, into the County Court for the district in which the minor resides, under the provisions of the Trustee Act 1925(1), or, if the amount does not exceed £50, may place the same on deposit in the name of the Commission in any bank for such time as the person remains a minor.

(4) The reference in paragraph (1) of this Article to a person who has established a claim under this Order includes a reference to any person who has become entitled to the amounts payable or any part of them, in consequence of any assignment or transfer of the benefit thereof and who produces such evidence of his title as may be reasonably required by the Commission.

23.—(1) The payment in respect of each claim established under this Order shall be a fraction of the distributable amount of the Fund equal to the proportion which the amount assessed in respect of the claim bears to the total of the amounts assessed with respect to all claims established under this Order: provided that no such payment in respect of any claim shall exceed the amount of the loss with respect to that claim as assessed by the Commission under this Order.

(2) The distributable amount shall be the total of all sums paid into the Fund, after the deduction of any payments made therefrom into the Consolidated Fund in accordance with any Order in Council

made under section 7(2) of the Foreign Compensation Act 1950 as originally enacted and as applied by section 3(3) of the Foreign Compensation Act 1962(2).

24.—(1) Whether or not all claims under this Order have been finally determined by the Commission, the Commission shall make from the Fund interim payments in accordance with paragraph (3) of this Article and may make from the Fund interim payments under paragraph (4) of this Article.

(2) Interim payments made under the provisions of this Article shall be made on account of payments to be made in accordance with Article 23 of this Order.

(3) At such time or times after 31st August 1988 as the Secretary of State shall specify the Commission shall make to all persons whose claim in respect of a bond has been established under Part IV of this Order an interim payment representing such percentage of the amount assessed in respect of the claim as the Secretary of State may direct. For this purpose the Commission shall, when so requested by the Secretary of State, estimate the total liability likely to fall upon the Fund, and report thereon to the Secretary of State.

(4) Subject to the prior approval of the Secretary of State, the Commission may, at such time or times as they may decide, make interim payments to any of the persons who have established claims under Parts V and VI of this Order.

(5) Interim payments made under the provisions of paragraph (4) of this Article shall be made at a uniform rate upon the assessed amount of the claim. The uniform rate of payment shall be determined by the Commission having regard to the total liability likely to fall upon the Fund.

(6) For the purposes of this Article a claim shall be deemed to be established under this Order even though the determination thereof may be subject to review and the phrase “assessed amount of the claim” shall be construed accordingly.

25.—(1) Subject to the provisions of paragraph (2) of this Article, the Commission shall, as a condition of the making of any payment to any person under this Order, require him to surrender to the Commission all available documents of title, if any, relating exclusively to the claim to which the payment relates and shall require him to sign and deliver to the Commission a document in such form as the Commission may determine declaring that he renounces all those claims to which the payment relates.

(2) If the person for whose benefit a payment is to be made is a minor, the Commission shall, as a condition of the making of any payment into Court or placing the same on deposit under paragraph (3) of Article 22 of this Order, require the person who, in accordance with the Rules of the Commission, has made an application for payment on the minor’s behalf to surrender to the Commission the documents of title, if any, under his control relating exclusively to the claim and to sign and deliver to the Commission a document in such form as the Commission may determine declaring that the minor renounces all claims to which the payment relates; and the document so signed shall operate as a valid surrender by the minor of all such claims.

(3) All documents which are delivered to the Commission under paragraphs (1) and (2) of this Article shall remain in their custody until the Fund is wound up and the Commission shall then deliver them to the Secretary of State.