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STATUTORY INSTRUMENTS

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**1951 No. 1899**

**The Distribution of German Enemy Property (No. 2) Order 1951**

**PART V**

**DETERMINATION AND PAYMENT OF CLAIMS**

7.—(1) The Administrator shall determine whether any claim is established for the purposes of this Order and the amount for which it may be admitted for payment, and shall serve written notice of the determination on the claimant.

(2) The determination of the Administrator in relation to any claim shall be final:

Provided that the claimant, if dissatisfied with the determination as being erroneous in point of law, may by notice in writing given within six weeks after being served with notice of determination as aforesaid and setting out the question or questions of law in respect of which it is alleged that the determination of the Administrator was erroneous, require the Administrator to state and sign a case for the opinion thereon of the High Court and the decision of the High Court shall be final.

(3) The Administrator shall be entitled to appear at the hearing of any case stated by him under this Article.

(4) If the question at issue between a claimant and the Administrator falls to be decided according to the law of Scotland, the reference to the High Court shall be construed as a reference to the Court of Session.

(5) If the question at issue between a claimant and the Administrator falls to be decided according to the law of Northern Ireland the reference to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland.

(6) If the question at issue between a claimant and the Administrator falls to be decided according to the law of Jersey, the reference to the High Court shall be construed as a reference to the Superior Number of the Royal Court of Jersey.

(7) If the question at issue between a claimant and the Administrator falls to be decided according to the law of the Bailiwick of Guernsey, the reference to the High Court shall be construed as a reference to the Royal Court of Guernsey.

(8) If the question at issue between a claimant and the Administrator falls to be decided according to the law of the Isle of Man, the reference to the High Court shall be construed as a reference to His Majesty's High Court of Justice of the Isle of Man, Chancery Division.

8. The proceeds of German enemy property collected by the Administrator shall, in so far as they are not distributed in accordance with the provisions of the next following Article, form a general fund and shall, from time to time, be distributed in paying dividends to persons whose claims have been duly established for the purposes of this Order, calculated in each case by reference to the amount for which the claim has been admitted for payment.

9.—(1) Where, in the case of a claim established for the purposes of this Order, the Administrator holds the proceeds of any German enemy property which belonged to or was held or managed on behalf of any German person from whom the debt was due, such proceeds may, if it would be more

favourable to the claimant to do so, be distributed to the claimant to an extent not exceeding the amount for which the claim is admitted for payment:

Provided that the amount so distributed to any claimant of the proceeds of property which belonged to or was held or managed on behalf of any particular German person shall not exceed the amount of the German enemy debt due from his to that claimant.

(2) If more than one claim is established for the purposes of this Order in respect of debts due from the same German person and the proceeds of any German enemy property which belonged to him or was held or managed on his behalf are insufficient to make payment to the extent authorised by paragraph (1) hereof to all the claimants, any distribution under the said paragraph (1) shall be made proportionately to the amount for which each claim is admitted for payment under this Order.

(3) Any payment under this Article in respect of any claim shall be in substitution for, and not in addition to, any payment under Article 8 in respect of that claim.

(4) For the purposes of this Article German enemy property does not include property or the proceeds of property transferred to the Administrator pursuant to Sections 3 or 4 of the Act.

**10.** If a person establishes separate claims for the purposes of this Order in respect of a principal debt and of any one or more other debts entered into by way of collateral security for or guarantee of the principal debt or any part thereof, he shall only be entitled to receive payment under this Order in respect of the principal debt and not in respect of any of the other debts:

Provided that, if there are proceeds available for distribution under Article 9 in the case of any of the other debts, the Administrator may make payments under this Order separately in respect of those debts and also in respect of the balance of the principal debt, so however that the total amount paid shall not exceed the amount of the German enemy debt due from the principal debtor.

**11.**—(1) Fees shall be charged to persons whose claims in respect of German enemy debts have been established for the purposes of this Order.

(2) The amount of such fees shall be 1s., or such percentage (not exceeding 3 per cent.) as the Board of Trade, with the consent of the Treasury, may from time to time determine, of the sum which may be payable to the claimant under this Order, whichever is the greater.

(3) The Administrator shall be entitled to deduct the amount of any fee from any payment which he is authorised to make to a claimant under this Order.