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No. 6038

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement (with annex) concerning contracts of insurance
and contracts and treaties of reinsurance. Signed at
Bonn, on 28 January 1960**

Official text: English and German.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
19 January 1962.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord (avec annexe) relatif aux contrats d'assurance et
aux contrats et traités de réassurance. Signé à Bonn,
le 28 janvier 1960**

Textes officiels anglais et allemand.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
19 janvier 1962.*

No. 6038. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING CONTRACTS OF INSURANCE AND CONTRACTS AND TREATIES OF REINSURANCE. SIGNED AT BONN, ON 28 JANUARY 1960

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany;

Having regard to the fact that the representatives of the insurers of their respective countries have agreed that the provisions of the Annex² to this Agreement shall form the basis of such an Agreement :

Have agreed as follows :

Article I

Except as provided in Article II hereof the present Agreement applies to the following contracts of insurance and contracts and treaties of reinsurance the proper law of which is either German law or the law of any part of the United Kingdom and which were made between natural or juridical persons who subsequently became enemies as the result of the war between the United Kingdom and the German Reich which began on the 3rd of September, 1939 and ended on the 9th of July, 1951 :

- (1) Contracts of insurance concluded in the United Kingdom,
- (i) One of the parties to which was an insurer constituted or incorporated in, or under the laws of, Germany, or
 - (ii) One of the parties to which was an insurer constituted or incorporated in, or under the laws of, any part of the United Kingdom, Australia, Canada, (including Newfoundland), New Zealand, Union of South Africa or Hong Kong, and the other party to which was a person, other than an insurer, resident in or constituted or incorporated in, or under the laws of, Germany;

(2) Contracts or treaties of reinsurance concluded in the United Kingdom, one of the parties to which was an insurer constituted or incorporated in, or under

¹ Came into force on 30 November 1961, three months after the exchange of the instruments of ratification which took place at London on 29 August 1961, in accordance with article VII.

² See p. 36 of this volume.

the laws of, any part of the United Kingdom, Australia, Canada (including Newfoundland), New Zealand, Union of South Africa or Hong Kong and the other party to which was an insurer constituted or incorporated in, or under the laws of, Germany;

(3) Contracts of insurance concluded in Germany one of the parties to which was,

- (i) an insurer constituted or incorporated in, or under the laws of, any part of the United Kingdom, or
- (ii) a person who was resident in or constituted or incorporated in, or under the laws of, any part of the United Kingdom;

(4) Contracts or treaties of reinsurance concluded in Germany, one of the parties to which was an insurer constituted or incorporated in, or under the laws of, any part of the United Kingdom;

(5) Contracts of insurance and contracts and treaties of reinsurance concluded elsewhere than in Germany or the United Kingdom (other than contracts or treaties concluded in Austria and of which the law of any part of the United Kingdom is the proper law) one of the parties to which was either an insurer constituted or incorporated in, or under the laws of, any part of the United Kingdom or a person who was resident in or constituted or incorporated in, or under the laws of, any part of the United Kingdom and the other party to which was a person, including an insurer, resident in or constituted or incorporated in, or under the laws of, Germany.

Article II

This agreement shall not apply to any contracts of insurance or contracts or treaties of reinsurance one of the parties to which is a person, including an insurer, resident in or constituted or incorporated in, or under the laws of, Germany unless such person, being an individual, is resident in, or being a body of persons or juridical person, has its principal seat in the Federal Republic of Germany or Land Berlin.

Article III

In this agreement the expression "Germany" shall be taken to mean the territory comprised in the German Reich on the 31st of December, 1937, the expression "Austria" shall be taken to mean the territory comprised in

the Republic of Austria on the 31st of December, 1937, the expression "insurer" includes reinsurer, and the expression "insurer constituted or incorporated in, or under the laws of, any part of the United Kingdom" includes a member of Lloyd's or any other body of underwriters approved by the Board of Trade.

Article IV

The contracts and treaties specified in Article I of the present Agreement shall be dealt with in accordance with the provisions of the Annex to this Agreement.

Article V

The provisions of this Agreement and of the Annex thereto shall be without prejudice to the payment of any monies already made to a Custodian of Enemy Property pursuant to the provisions of the Trading with the Enemy legislation in the United Kingdom.

Article VI

If, after the entry into force of the present Agreement, it is considered advisable to extend its provisions to any of the territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible, the provisions of this Agreement shall be deemed to apply to such territories from the date and in the manner described in the Notes to be exchanged for the purpose of effecting such extension.

Article VII

The present Agreement shall be ratified. The exchange of instruments of ratification shall take place at London as soon as possible. The Agreement shall enter into force three months after the exchange of the instruments of ratification.

Article VIII

The present Agreement shall also apply in the Land Berlin unless the Government of the Federal Republic of Germany make a declaration to the contrary to the Government of the United Kingdom of Great Britain and Northern Ireland within three months after the exchange of the instruments of ratification.

IN WITNESS THEREOF the undersigned, being duly authorised thereto, have signed the present Agreement.