

No. 2755

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
POLAND**

**Agreement (with exchanges of notes) relating to a settlement
of financial matters. Signed at Warsaw, on 11 November
1954**

Official texts: English and Polish.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 11 February 1955.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
POLOGNE**

**Accord (avec échanges de notes) concernant le règlement de
questions financières. Signé à Varsovie, le 11 novembre
1954**

Textes officiels anglais et polonais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 11 février 1955.*

No. 2755. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC RELATING TO A SETTLEMENT OF FINANCIAL MATTERS. SIGNED AT WARSAW, ON 11 NOVEMBER 1954

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom Government") and the Government of the Polish People's Republic (hereinafter referred to as "the Polish Government") have agreed as follows :—

Article 1

(1) The Polish Government shall pay to the United Kingdom Government the sum of £ 5,465,000 (five million, four hundred and sixty-five thousand pounds sterling), of which—

- (a) the sum of £ 2,665,000 (two million, six hundred and sixty-five thousand pounds sterling) shall be in full and final settlement of claims in respect of British property, rights and interests affected directly or indirectly prior to the date of the present Agreement by the Polish measures of nationalisation, expropriation and other similar measures, set out in the Schedule to the present Agreement, and regulations made under the aforesaid Polish measures ;
- (b) the sum of £ 2,800,000 (two million, eight hundred thousand pounds sterling) shall be in full and final settlement of debts due to the United Kingdom Government or to British nationals, the payment of which has been guaranteed by the Polish Government, and of other pre-war banking and commercial debts.

(2) The Polish Government will pay to Lazard Brothers and Company Limited, London, and to the Prudential Assurance Company Limited, London, the sums of £ 427,600 (four hundred and twenty-seven thousand six hundred pounds sterling) and £ 107,400 (one hundred and seven thousand, four hundred pounds sterling) respectively.

¹ Came into force on 11 November 1954, as from the date of signature, in accordance with article 12.

Article 2

Payment of the sums mentioned in paragraphs (1) and (2) of article 1 shall be made :

- (a) by utilising the sums which at the date of coming into force of the present Agreement are standing to the credit of the Public Trustee, Polish Financial Claims Account ;
- (b) by utilising any further sums which but for the provisions of Article 10 of the present Agreement would have been paid into the National Bank of Poland No. 3 Account in accordance with article 15 of the Trade and Finance Agreement between the United Kingdom Government and the Polish Government signed in Warsaw on 14th January, 1949 ;¹ and
- (c) by instalments to be paid by the Polish Government on 30th November in each year, beginning on 30th November, 1955, based on the f.o.b. value in sterling of imports into the United Kingdom from Poland.

Article 3

The total of the instalments referred to in paragraph (c) of article 2 of the present Agreement shall be as follows :—

- (a) in respect of the period of twelve months ending 30th June, 1955, 5 per cent. of the sterling proceeds, based on the f.o.b. value, of imports into the United Kingdom from Poland in that period of twelve months in excess of £ 10 million ;
- (b) in each period of twelve months ending 30th June thereafter until the period of twelve months ending 30th June, 1967, 3·3 per cent. of the sterling proceeds, based on the f.o.b. value, of imports into the United Kingdom from Poland in each period of twelve months in excess of £ 10 million and not exceeding £ 20 million, and 5 per cent. of such sterling proceeds as are in excess of £ 20 million ;
- (c) if the sums mentioned in paragraphs (1) and (2) of article 1 shall not have been paid in full by 30th June, 1967, the sum to be applied in the period of twelve months beginning on 1st July, 1967, and thereafter to the instalments shall be the equivalent of 5 per cent. of the sterling proceeds, based on the f.o.b. value, of imports into the United Kingdom from Poland.

Article 4

For the purposes of the present Agreement—

¹ United Nations, *Treaty Series*, Vol. 83, p. 3.

(1)—(a) "British nationals" shall mean :—

- (i) physical persons who at the date of the signature of the present Agreement are citizens of the United Kingdom and Colonies, or British-protected persons belonging to any of the territories for whose international relations the United Kingdom Government are responsible, and their heirs and legal representatives ; and
- (ii) companies, firms and associations incorporated or constituted under the laws in force in the United Kingdom of Great Britain and Northern Ireland or in any territory for whose international relations the United Kingdom Government are at the date of the signature of the present Agreement responsible ;

provided that the persons, companies, firms and associations concerned were equally British nationals in accordance with the foregoing definition at the date on which their claim arose.

(b) "British property" shall mean : all property, rights and interests affected by the various Polish measures which on the date of the relevant law or decree, or as specified in paragraph (2) below, at the date on which the relevant measure is deemed to have been applied to the property, were owned directly or indirectly, in whole or in part, and whether legally or beneficially, by British nationals, to the extent to which they were so owned.

(2) In relation to claims in respect of measures of nationalisation, expropriation and other similar measures, the date on which the claim arose shall be deemed to be the date on which the relevant law or decree was published, except that, in the case of a claim arising out of measures based on the laws or decrees numbered 9, 11 and 12 of the Schedule¹ to the present Agreement, the date on which the claim arose shall be deemed to be the date on which the relevant measure was applied to the property of a British national.

Article 5

The United Kingdom Government hereby declare, on their own behalf and on behalf of British nationals, that the conclusion of the present Agreement and compliance by the Polish Government with its terms shall be accepted in full satisfaction and final discharge of all liability to British nationals, owners of the claims and debts mentioned in paragraph (1) of article 1, whether presented before or after the date of the signature of the present Agreement, and that the United Kingdom Government will not present to the Polish Government after the entry into force of the present Agreement any claim arising prior to the date of the present Agreement out of the various Polish measures enumerated in the Schedule to the present Agreement, and regulations made under the aforesaid Polish measures, on behalf of any persons whether included in the definition of British nationals or not.

¹ See p. 148 of this volume.

Article 6

(1) The United Kingdom Government shall obtain all documents of title which are available relating to the claims of British nationals under article 1 (1) of the present Agreement.

(2) If such documents relating to any claims are not available (as, for example, if documents of title have not been executed or if the documents also relate to property, rights or interests unaffected by any of the various Polish measures) the United Kingdom Government shall obtain a document signed by the British national to whom the payment is to be made, surrendering all claims by him to which the payment relates.

(3) The United Kingdom Government shall retain custody of the documents obtained in accordance with the provisions of paragraphs (1) and (2) of this article and shall deliver to the Polish Government such documents relating to each claim as soon as the final payment under article 1 of the present Agreement shall have been made by the Polish Government.

(4) The United Kingdom Government shall submit to the Polish Government not later than 30th June, 1957, particulars concerning documents obtained in accordance with paragraphs (1) and (2) of this article.

Article 7

The contracting Governments shall co-operate in all matters affecting the operation of the present Agreement and to that end shall furnish each other with all necessary information. In particular, the Polish Government shall furnish at the request of the United Kingdom Government such details of title and of value as are held by the appropriate Polish authorities to enable the United Kingdom Government to determine the claims of British nationals.

Article 8

Any claims of the United Kingdom Government against the Polish Government arising out of—

- (a) arrangements made under the Agreement of 20th January, 1930,¹ for the settlement of the Polish debt to the United Kingdom Government in respect of unpaid balances of costs of occupation of the Plebiscite Area of Upper Silesia and Olsztyn, and
 - (b) arrangements made between the United Kingdom Government and the Polish Government on 11th December, 1924, regarding the funding of relief bonds issued by Poland under the International Relief Credits Committee Scheme, and held by the United Kingdom Government,
- shall be deemed to be extinguished.

¹ League of Nations, *Treaty Series*, Vol. CXXVI, p. 159.