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benefited, directly or indirectly, from the unjust deprivation in connection with the state of affairs referred to in Article 20; or if the enterprise itself would be liable to make restitution or to pay damages under this Law or under the relevant provisions of the Civil Code, including the principle of respondeat superior.

ARTICLE 22

Other Enterprises

The provisions of Articles 20 and 21 shall apply mutatis mutandis where the object of unjust deprivation was a business owned by an individual, a participation in a partnership or a limited partnership; a personal participation in a limited partnership corporation (Kommanditgesellschaft auf Aktien); a share in an association with limited liability (Gesellschaft mit beschränkter Haftung) or in a Co-operative Society; or a share of a similar legal nature.

ARTICLE 23

Service

Where pursuant to Articles 20 to 22 it is necessary to effect service on any person whose identity or present address is unknown, service shall be effected by publication in accordance with the provisions of Article 55.

ARTICLE 24

Delivery of a Substitute in Lieu of Restitution

1. Where subsequently to the unjust deprivation the affected property has undergone fundamental changes which have substantially enhanced its value, the Restitution Chamber may order the delivery of an adequate substitute in lieu of restitution; in determining the adequacy of the substitute the Restitution Chamber shall consider the value of the property at the time of the unjust deprivation and the rights and interests of the parties. The claimant may, however, demand the allocation of an appropriate share in the property unless the defendant offers a substitute of similar nature and of like value.
2. Where the defendant has combined the affected property with other property in such a way as to make it an essential part thereof, he may where severance is possible sever the latter property and retain it. In such case he shall at his own expense restore the affected property to its former condition. Where the claimant has obtained possession of the combined property he shall be obliged to permit the severance; he may, however, withhold his consent unless security is given to him to indemnify him against any damage which

/may...

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may result from the severance.

3. In determining whether property has been enhanced in value within the meaning of paragraph 1, only that enhancement in value for which the defendant may claim compensation under the provisions of this Law shall be taken into account.

ARTICLE 25

Restitution of an Aggregate of Properties.

A claimant may not restrict his demand for restitution to separate items out of an aggregate of properties if the aggregate can be returned as a whole and if the limitation of the restitution to separate items would unfairly prejudice the defendant or the creditors.

ARTICLE 26

Protection of Debtors

The debtor liable to satisfy a claim (Forderung) which has been the subject of unjust deprivation may at any time before notice to him of the filing of a petition for restitution discharge his debt or obligation by payment to the defendant. The same rule shall apply in favour of a debtor who, prior to the entry in the Land Register (Grundbuch) of an objection to its correctness, or of a notice concerning restitution proceedings, makes a payment to a defendant entered in the Land Register as the person to whom a payment is due.

PART V

COMPENSATION AND ANCILLARY CLAIMS

ARTICLE 27

Subrogation

1. Upon request of the claimant, a former holder of affected property who would be liable to restitution if he were still holding it, shall surrender any pecuniary compensation or assign any claim thereto which he acquired during the period of his ownership. Whatever the claimant receives from one of several defendants shall be set off against the claims he has against the remaining defendants.

2. The same rule shall apply with respect to any compensation or any claim for compensation with the holder or former holder of affected property acquired in respect of any damage to or deterioration of such property.

3. In case of the unjust deprivation of a business enterprise the claim for restitution shall extend to assets acquired after the unjust deprivation /unless...

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unless the defendant shows that such assets were not paid for with funds of the enterprise. If the purchase was paid for out of the funds of the enterprise, the resulting increase in the value of the business shall be deemed to constitute profits within the meaning of Article 29. This rule shall also apply to any other aggregate of property. If the purchase was not made with funds of the enterprise the defendant shall have the right of severance conferred by Article 24, paragraph 3, provided, nevertheless, that the claimant shall have the right to take over the property pursuant to Article 24, paragraph 3, third sentence, but only if the operation of the enterprise would otherwise be seriously hampered.

ARTICLE 28

Conditions of Restitution

Property subject to restitution shall be accepted by the claimant in the condition in which it was on the 27th October, 1947, and the defendant may claim neither for any increase in value since the date of the original transfer, nor in respect of any money spent by him for maintenance charges or capital expenditure except to the extent that such capital expenditure has resulted in a permanent enhancement in the value of the affected property, nor shall he be liable for any loss, damage or deterioration of the property, not occasioned by his own default, except that where he has received or is entitled to receive any compensation for damage to the property he shall pay such compensation or assign the right thereto to the claimant in whose favour a Restitution Order is made in respect of that property. Provided that where the property subject to restitution has increased in value by reason of improvements or additions, the claimant shall be liable to pay to the Trust Corporation referred to in Article 9 an amount equal to the increase in value due to such improvements or additions, but may deduct therefrom the amount of any debt incurred in respect of the improvements or additions where such debt will remain secured upon the property after the Restitution Order is made, and any sum allowed to the defendant in respect of capital expenditure under the provisions of this Article.

ARTICLE 29

Profits

The claim which may be made by the Trust Corporation shall extend to the net profits which since the date of the original transfer have been
/derived...

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derived from the property by the defendant or any predecessor in title not being a person protected from liability to make restitution under paragraph 3 of Article 1, or which ought to have been derived if the defendant or his predecessor in title as the case may be had managed the property as a prudent owner. For the purpose of calculating net profits there shall be taken into account amounts paid by the defendant or his predecessor in title in respect of the ordinary maintenance of the affected property, usual outgoings, interest on money borrowed to provide any purchase money and a reasonable sum for management.

ARTICLE 30

Obligation to Furnish Particulars

The parties shall be obliged to furnish to each other such particulars as are material to any claims under this Law. Sections 259 and 261 of the Civil Code shall apply mutatis mutandis.

PART VI

CONTINUED EXISTENCE OF INTERESTS AND
LIABILITY FOR DEBTS

ARTICLE 31

Continued Existence of Interests

1. Any rights over or interests in the affected property of third parties shall continue to be effective to the extent to which they existed prior to the act constituting the unjust deprivation to the extent that they have not subsequently been extinguished or discharged. The same rule shall apply to any right or interest subsequently created to the extent to which the aggregate amount of all principal and ancillary claims does not exceed the aggregate amount of all such claims as they existed prior to the act constituting the unjust deprivation. Such rights and interests are hereinafter referred to as "the limit of encumbrances". A right or interest which does not involve payment of money shall continue to be effective only where an interest of the same kind already existed prior to the unjust deprivation and the interest subsequently created is not more burdensome than that existing at the time of the unjust deprivation or where such interest would have come into existence even though the property had not been the subject of an unjust deprivation.
2. The limit of encumbrances may be increased by the amount of any encumbrance created for the purpose of capital expenditure enhancing the value of the property. Any other interest of a third person which exceeds the limit

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of encumbrances and which arises out of expenditure for which the defendant cannot claim compensation pursuant to Article 28 shall be extinguished except to the extent to which at the time of the restitution the value of the property remains correspondingly enhanced as a result of the expenditure.

3. Rights in or interests over the affected property which, in connection with the unjust deprivation, were created in favour of the claimant or his predecessor in title shall continue to be effective irrespective of the limit of encumbrances and without prejudice to any claim of the claimant for the restitution of such interests where they were themselves the subject of an unjust deprivation.

4. Interests resulting from the commutation of the Home-Rent Tax, (Hauszinssteuer) other than those in respect of overdue payments, shall continue to be effective irrespective of the limit of encumbrances.

ARTICLE 32

Devolution of Encumbrances

If property in land (Grundstück) has been encumbered by any transaction, act of or in the law of any governmental act constituting an unjust deprivation within the meaning of this Law, the rights under such encumbrance shall devolve upon the claimant and shall not be considered in computing the limit of encumbrances.

ARTICLE 33

Personal Liability

If, prior to the unjust deprivation of real property, the claimant or his predecessor in interest was personally liable in respect of any debt which was secured by a mortgage, land charge (Grundschild) or annuity charge (Rentenschuld) on such property, he shall assume personal liability at the time of restitution to the extent to which the mortgage, land charge or annuity charge continues to be effective under the preceding provisions. The same shall apply in case of obligations in regard to which the defendant may demand to be released pursuant to Section 257 of the Civil Code. The same shall apply also in the case of liabilities which continue to be effective in accordance with Article 31, paragraph 1, second sentence, and replace charges for which the claimant or his predecessor in interest had been personally liable.

ARTICLE 34

Demand for Assignment

1. The claimant may demand the assignment to him, without compensation, of
/the...

the benefit of any mortgage, land charge or annuity charge against property land subject to restitution which is held by any holder or former holder of such property who at any time obtained the property by way of an unjust deprivation. This shall not apply to the personal debt on which the mortgage is based. Any interest created prior to the unjust deprivation shall be subject to the provisions of Article 40, paragraph 3 applied mutatis mutandis.

2. The provisions of this Article shall not apply to encumbrances which are to be registered in accordance with the provisions of this Law.

ARTICLE 35

Liability for Debts of a Business Enterprise

1. If the claimant recovers a business enterprise or any other aggregate of properties, creditors may in respect of debts to them incurred in the operation of the enterprise or obligations with which the aggregate of properties has been encumbered also assert such claims arising thereout against the claimant in so far as they are in existence at the time of the restitution.

2. In such case the liability of the claimant shall be limited to the property restored and to any other claims to which he is entitled under this Law. The claimant's right to limit his liability shall be governed by Sections 1990 and 1991 of the Civil Code.

3. The claimant shall not be liable under paragraphs 1 and 2 to the extent to which the total amount of liabilities exceeds the limit of encumbrances to be computed by applying mutatis mutandis the provisions of Article 31 and insofar as the excess of liabilities is not covered by a surplus of assets resulting from the application of Article 27, paragraph 3. In such case the Restitution Chamber shall, in its discretion, take the requisite measures by applying mutatis mutandis the provisions of Article 31.

ARTICLE 36

Leases and Tenancies

1. If a defendant or any former possessor has leased property in land to a third person, the claimant may terminate the lease by giving the notice required by law to the person entitled to possession under the Lease. Such notice may not be given until the restitution Authority has determined that the property is subject to restitution and such determination is no longer subject to appeal, or until the obligation to restore the property has been acknowledged in any other way. The notice must be given within three months

/of...

of the happening of the said events whichever shall first happen.

2. The provisions of the Law for the Protection of Tenants (Mieterschutzgesetz) in the version of 15 December, 1942 (RGBl. I. page 712) shall not apply to any defendant or his predecessor in title who obtained the affected property by way of an unjust deprivation or who, at the time he acquired the property, knew, or should have known in the circumstances, that the property had at any time been obtained by way of an unjust deprivation. The provisions of the said Law shall also not apply where the claimant requires the premises as a suitable dwelling for himself or his near relatives (nahe Angehörige). The said Law shall likewise not apply if a dwelling which at the time of the unjust deprivation or of the filing of the petition for restitution was used in connection with the operation of a business enterprise subject to restitution, is required for the continued operation of such enterprise. The provisions of the said Law shall not apply to premises used for commercial purposes if the claimant has a legitimate interest in the immediate return of such premises.
3. Leases entered into with the approval of Military Government may be cancelled only with the consent of Military Government.

ARTICLE 37

Employment Contracts

Notwithstanding any contractual provision to the contrary, and without prejudice to the right of the claimant to terminate an employment contract for just cause without notice, the claimant may be giving notice as provided in a collective labour-agreement or in the absence thereof within the statutory period; terminate any existing employment contract made since the unjust deprivation by the defendant or any former holder of a business enterprise subject to restitution. A notice may not be given until the Restitution Authorities have determined that the enterprise is to be restored and such determination is no longer subject to appeal, or until the obligation to restore it has been acknowledged in some other way. The notice must be given within three months of the happening of the said events, whichever shall first happen.

PART VII

CLAIMS OF THE DEFENDANT FOR REPAYMENT AND INDEMNITY

ARTICLE 38

Obligation to Repay

1. In exchange for the restitution of the affected property the claimant /shall...

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shall, subject to the provisions of paragraph 3, repay to the defendant and where appropriate in kind the consideration received by him. The amount shall be increased by the amount of any encumbrance against the affected property existing at the time of the unjust deprivation and discharged thereafter, unless such encumbrance has been replaced by another encumbrance which continues to be effective, and unless the discharged encumbrance was created as the result of an act of unjust deprivation within the meaning of this Law.

2. Where several items of affected property were the subject of a total consideration, but restitution takes place in regard to some only of these items, the total consideration shall be reduced in the proportion which at the time of the unjust deprivation the item restored bore to the entirety of the affected property.

3. If, at the time of the unjust deprivation, the claimant, for any of the reasons referred to in Article 1, did not obtain, wholly or in part, the power freely to dispose of the consideration received, the repayment shall be diminished by such amount as to the Restitution Authority appears to be just. The claimant shall surrender to the defendant any claim for indemnity to which he may be entitled in the circumstances.

4. The claimant shall not in any case be required to repay the amount exceeding the value of the affected property at the time of restitution, less the amount of any encumbrance remaining against the property.

ARTICLE 39

Lien

The defendant shall have no lien (Zurueckbehaltungsrecht) in respect of his claims where such lien would substantially delay the speedy restitution of the affected property. The same shall apply to any execution against or attachment of the affected property founded on any counterclaim.

ARTICLE 40

Judicial Determination of Terms of Payment

1. The Restitution Authorities shall lay down the terms and conditions of payments to be made in connection with a restitution, after taking into consideration the purpose of this Law, the ability to pay of the person liable and the existing statutory prohibitions and limitations on payments.

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2. In cases involving the restitution of property in land and interests of a like nature, the claimant may demand that an adequate period not exceeding ten years be allowed for the repayment of the considerations on condition that such repayment be secured by a mortgage in favour of the defendant bearing interest at 4%, to be executed on the property. The terms shall upon application be laid down by the Restitution Authorities.

3. In cases provided for in Article 28, and Article 31, paragraph 2, the Restitution Authorities shall determine the maturity dates of debts and the terms of payment in such a way that the restitution of the affected property will not be prejudiced in any way nor its enjoyment by the claimant be unduly impaired.

ARTICLE 41

Claims for Indemnity

1. Any claim for indemnity which the defendant may have against his immediate predecessor in title shall be governed by the rules of the Civil Law. The liability to make restitution shall be deemed to constitute a defect in title within the meaning of the Civil Code. Section 439,

2. In cases involving the restitution of property in land and interests of a like nature, the provisions of paragraph 1, of the Civil Code shall not apply.

2. Any claim permissible under paragraph 1 may also be made against any immediate predecessor in title who did not acquire the affected property in good faith. Such predecessors in title shall be liable as joint debtors, bearing interest at 4%, to be executed on the property. The terms shall upon application be laid down by the Restitution Authorities.

ARTICLE 42

Lien of Third Persons over Claims of the Defendant

3. Any right over or interest in affected property which ceases to be effective by reason of the provisions of Article 31 shall constitute a lien on any claim which the defendant may have for repayment of consideration and for indemnity under this Law and on the sum received by the defendant in satisfaction of such claim.

ARTICLE 41

Claims for Indemnity

1. Any claim for indemnity which the defendant may have against his immediate predecessor in title shall be governed by the rules of the Civil Law. The liability to make restitution shall be deemed to constitute a defect in title within the meaning of the Civil Code. Section 439,

2. In cases involving the restitution of property in land and interests of a like nature, the provisions of paragraph 1, of the Civil Code shall not apply.

2. Any claim permissible under paragraph 1 may also be made against any immediate predecessor in title who did not acquire the affected property in good faith. Such predecessors in title shall be liable as joint debtors, bearing interest at 4%, to be executed on the property. The terms shall upon application be laid down by the Restitution Authorities.

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PART VIIIGENERAL RULES OF PROCEDUREARTICLE 43Basic Principles

1. The restitution proceedings shall be commenced by petition and the proceedings shall be conducted in such a manner as to bring about a speedy and complete restitution. For the purpose of this Law the filing of a claim in accordance with Military Government General Order No. 10 shall be deemed to be the filing of a petition.
2. In ascertaining the relevant facts the Restitution Authorities shall take fully into account the circumstances in which the claimant finds himself as a result of measures of persecution for the reasons referred in Article 1. This shall apply in particular where the production of evidence is rendered difficult or impossible through the loss of documents, the death or non-availability of witnesses, or similar circumstances. Sworn declarations made by the claimant or his witnesses shall be admissible notwithstanding the subsequent death of the person making any such declaration.

ARTICLE 44Right of Succession and Foreign Law

1. Any person who founds a claim upon a right of succession on death shall be required to prove such right.
2. Foreign law shall be strictly proved where it is unknown to the Restitution Authorities.

ARTICLE 45Presumption of Death

Any persecuted person, or any person interested in his estate, whose last known whereabouts was in Germany or a country occupied or annexed by Germany or her Allies and as to whose whereabouts or continued existence after 8th May, 1945 no information is available, shall be presumed to have died on 8th May, 1945; nevertheless, where it appears probable that such person died on a date other than 8th May, 1945, the Restitution Authorities may presume such other date as the date of death.

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ARTICLE 46Safeguarding

1. The Restitution Authorities shall, if the situation so requires, safeguard affected property in a suitable manner. To that end they may issue temporary injunctions (einstweilige Verfügungen) or restraining orders (Arrestverföhle), either on their own initiative or upon application. Such injunctions or orders shall be modified or revoked if the property can be safeguarded by any measures other than those taken or if there is no further need for their continuation.
2. The provisions of the Code of Civil Procedure for the time being in force relating to "Arrest und einstweilige Verfügungen", shall apply mutatis mutandis.

ARTICLE 47Trustee

1. Where supervision of any affected property is necessary and no other authority is entitled to exercise jurisdiction thereover a trustee shall be appointed for the purpose.
2. Military Government will issue regulations as to the appointment and supervision of a trustee.

ARTICLE 48Competence of other Authorities to take
measures under Articles 46 & 47

Where the safeguarding measures described in Articles 46 and 47 are within the competence of another agency, the Restitution Authorities shall request that agency to take such measures.

PART IXFILING OF CLAIMSARTICLE 48Central Filing Agency

1. The Central Office for the Administration of Property (Zentralamt für Vermögensverwaltung) referred to in Military Government General Order No. 10 (as amended) shall perform the functions of a Central Filing Agency.
2. The Central Filing Agency shall transmit any petition filed with it to the Restitution Agency or Agencies competent to deal with it under the provisions of Article 53.

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ARTICLE 50Time limit and other requirements

1. The filing of a petition for restitution shall be in accordance with the requirements and be made within the time-limits laid down in the said General Order as amplified by the provisions following or any Regulations to be issued by Military Government.
2. The petition shall when necessary be substantiated by documents or sworn declarations.
3. The petition may be effectively filed by any one of several co-claimants.
4. Any petition filed by a person who is not entitled to restitution of the property shall be deemed to have been effectively filed in favour of the true claimant, or where appropriate, of the Trust Corporation.

ARTICLE 51Relation to other Remedies

Unless otherwise provided in this Law, any claim within the scope of this Law may be prosecuted only under the provisions and within the limits of time laid down in this Law. Any claim based on a cause of action outside the scope of this Law may be prosecuted in the ordinary courts.

ARTICLE 52Contents of Petition to be filed

1. The petition shall contain a description of the affected property and such other particulars as a claimant is required to give in the form referred to in the said General Order.
2. The Central Filing Agency or the Restitution Authorities may request the claimant to supplement his petition by a statement (in an appropriate case by way of sworn declaration) containing such information as may be necessary for the purpose of adjudicating on the claim.
3. If the claimant has no domicile or residence in Germany and has not appointed there an attorney authorised to accept service of process, he may nominate a person domiciled there for such purpose. If he fails to nominate such a person within a reasonable time the Restitution Agency shall do so and notify the claimant of the appointment.
4. The Central Filing Agency shall notify the claimant of the Restitution Agency or Agencies to which the petition has been transmitted pursuant to Article 49, paragraph 2.

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5. The time-limit prescribed in Article 50 paragraph 1 shall be deemed to have been complied with notwithstanding any formal or other defects in the petition.

ARTICLE 53

Venue

1. Any petition for restitution shall be transmitted by the Central Filing Agency to the Restitution Agency of the district in which the affected property is situated. If it appears that a petition has been transmitted to a Restitution Agency which lacks jurisdiction, such petition shall be referred by such Restitution Agency to the Restitution Agency having jurisdiction. The order of reference shall be binding on the Agency to which the petition has been so referred.
2. Regulations may provide for additional rules as to venue, and in particular as to claims for compensation and ancillary claims and may authorise the Central Filing Agency to make Restitution orders in certain cases.

ARTICLE 54

Jurisdiction *ratione materiae*

The restitution Authorities shall have jurisdiction *ratione materiae* irrespective of whether under any other statutory provision, a claim for restitution would come within the jurisdiction of any ordinary, administrative or other court, or whether no court whatsoever would have jurisdiction.

ARTICLE 55

Notice of Claim

1. The Restitution Agency shall give notice of the petition by formal service on the parties concerned requiring that an answer be filed within two months of such service. Parties concerned shall be deemed to be the defendant, persons holding interests in rem, lessees or tenants of the affected property, as well as any other person the claimant may demand to be joined in the proceedings. If the German Reich, a Land, a former Land, the former NSDAP or one of its formations or affiliated organisations is a party concerned, service shall be made upon the appropriate Land Minister of Finance. In the cases last mentioned the Land shall be authorised to join in the proceedings as a party having an interest therein.
2. Where the identity or present address of a defendant is unknown or where it appears from the petition that any unidentified third person may have an interest in the affected property, the Restitution Agency shall effect

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service of notice of the petition by publication requiring the defendant and the unidentified third person to declare within two months to the Restitution Agency their interests (with proof thereof). Service by publication shall be effected in accordance with the provisions of Section 204, paragraph 2, of the Code of Civil Procedure as amended by Control Council L. N. No. 38 in the form applicable to a summons. Service shall be deemed to be effective one month after publication in the periodical specified in Section 204, paragraph 2, of such Code.

3. Upon service of the petition the case shall be deemed to be a *lis pendens* (*rechtshängig*).

4. When the claim for restitution affects property in land or an interest of a like nature, the Restitution Agency shall request that an entry be made in the Land Register to the effect that a claim for restitution has been filed (*Rückerstattungsvermerk*). The notice of restitution shall be effective against any third person.

5. The provisions of the Code of Civil Procedure concerning Third Party procedure shall apply *mutatis mutandis*.

ARTICLE 56

Procedure before the Restitution Agency

1. If no answer is made to the petition within the time specified in the notice, the Restitution Agency shall issue an order granting the petition. Where there is no dispute as to the limit of encumbrances and as to the continued existence of rights or interests, the Restitution Agency shall also make the appropriate findings on such matters.

2. Where a petition for restitution does not conclusively disclose a cause of action, or the truth of any of the allegations contained therein is controverted by entries in public records or by public documents available to the Restitution Agency, the latter Agency shall require the claimant to submit a statement within an appropriate period of time. The Agency shall dismiss the petition on the merits if the claimant does not within this period submit an explanation justifying his petition or supplementing the facts alleged therein.

3. Where an answer is filed but an amicable settlement is reached the Restitution Agency shall, on application, record the settlement in writing, and shall deliver a certified copy of the terms thereof to the parties concerned.

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ARTICLE 57Reference to the Court

1. If an amicable agreement cannot be reached either wholly or in part or if the requisite measures to be taken are not within the competence of the Restitution Agency, it shall to the extent necessary refer the case to the Restitution Chamber of the Landgericht having jurisdiction over the Restitution Agency. This shall apply in particular to cases where only the limit of encumbrances, or the continued existence of rights or interests or the liability for debts is in dispute.

2. Regulations may confer jurisdiction on Landgerichte generally, on certain Landgerichte or on Landgerichte other than those specified in paragraph 1.

ARTICLE 58Appeal (Einspruch)

1. Any party may, by filing an appeal with the Restitution Agency, appeal to the Restitution Chamber against a decision of the Restitution Agency given pursuant to Article 55, paragraph 1, second sentence, or Article 56, paragraphs 1 and 2; notice of appeal shall be filed within one month unless the appellant resides in a foreign country in which case the period shall be three months. The time for appeal shall begin to run from the service of the decision appealed against. Article 55, paragraph 2, shall apply mutatis mutandis.

2. An appeal shall be permissible only when it is founded on a violation of the provisions of Article 55, paragraph 1, second sentence, or Article 56, paragraph 1 or 2.

ARTICLE 59Execution

Agreements recorded by the Restitution Agency and orders of the Restitution Agency which are no longer subject to appeal may be enforced by execution pursuant to the provisions of the Code of Civil Procedure. For this purpose, the Restitution Agency shall have the powers of a court (Vollstreckungsgericht). In effecting execution, the Restitution Agency may avail itself of the services of other agencies and in particular of the courts.

PART XJUDICIAL PROCEEDINGSARTICLE 60Members of the Restitution Chamber

The Restitution Chamber shall be composed of a Presiding Judge and two Associate Judges, eligible for the office of judge or for the higher Administrative Service to be appointed by the Land Minister of Justice with the approval of Military Government. The Presiding Judge shall be a judge normally assigned to a court. The Associate Judges shall be appointed for a term of three years, unless they are professional judges.

ARTICLE 61Procedure

1. The Restitution Chamber shall adjust the legal relations of the parties in accordance with the provisions of this Law.
2. Unless otherwise provided in this Law, the procedure shall be governed by the rules applicable to matters of non-contentious litigation, subject, however, to the following modification:
 - (a) The Chamber shall order an oral hearing which shall be in public.
 - (b) The proceedings may at the request of the claimant be stayed for a period not exceeding six months.
 - (c) The Chamber may give an interlocutory judgment (Teilurteil) on a claim before it, or on part of a claim, where the determination of any counterclaim, set-off or lien or any other defence in the nature of a set-off or counterclaim would substantially delay the decision on restitution.
 - (d) Without prejudice to the final decision, the Chamber may order the temporary surrender of the affected property to the claimant either with or without security. In such case the claimant shall have, with respect to third persons, the rights and obligations of a trustee (Treuhandler).

ARTICLE 62Form and Contents of the Decision

1. The decision of the Restitution Chamber shall be pronounced in an order the grounds for which shall be given. Such order shall be served on

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the parties concerned. The order may be enforced by execution, a subsequent appeal notwithstanding. The provisions of Sections 713, paragraph 2, and Sections 713a to 720 of the Code of Civil Procedure shall apply mutatis mutandis.

2. An objection (sofortige Beschwerde) may be made against the order by filing notice of such objection within one month or, in the case of a person residing in a foreign country, within three months. The time for giving notice of objection shall begin to run from the date of service of the order; Article 55, paragraph 2, shall apply mutatis mutandis. The Civil Division of the Oberlandesgericht shall hear the objection. The objection may be founded only on an allegation that the decision violated the relevant legal provisions. The provisions of Sections 551, 561 and 563 of the Code of Civil Procedure shall apply mutatis mutandis.
3. Regulations may confer on a certain Oberlandesgericht jurisdiction to hear such objections.

ARTICLE 63

Powers of Review

Military Government may review all decisions and orders made under this Law and nullify, amend, suspend or otherwise modify them.

PART XI

SPECIAL PROVISIONS

ARTICLE 64

Conflict of Jurisdiction

1. If any claim of any of the kinds specified in Articles 1 to 42 is made by a person entitled to restitution in proceedings before a Court or by way of execution, defence or counterclaim, the Court concerned shall notify the Restitution Agency. The Court may, and on request of the Restitution Chamber shall, stay the proceedings or temporarily suspend execution by an Order against which there may be no appeal. The Restitution Chamber may direct that the claim be dealt with under this Law and not by exercise of jurisdiction by the ordinary courts, or it may authorise the claimant to prosecute his claim before such courts; in which latter case the authorisation shall be binding on the courts.

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If an action in the ordinary civil courts is terminated by reason of the claim being dealt with under this Law, any court fees charged shall be remitted and neither party shall be entitled to any extra-judicial costs.

2. The Court shall report to the Central Filing Agency any measures taken under paragraph 1.

PART XIII

PROVISIONS AS TO COSTS

ARTICLE 65

Costs

1. No Court fees shall normally be charged in proceedings before Restitution Authorities. Regulations may, nevertheless, provide for the levying of costs, fees and expenses in certain cases.
2. No advance payment, or bond or security for costs may be demanded from a claimant.

PART XIII

Penalties

ARTICLE 66

1. Any person who alienates, damages, destroys, or conceals any affected property in order to defeat the rights of a claimant shall upon conviction be punished with imprisonment not exceeding five years, or a fine, or both, unless heavier penalties under any other law are applicable.
2. Penal servitude not exceeding five years may be imposed in especially serious cases.
3. An attempt shall be punishable.

PART XIV

RESTORATION OF RIGHTS OF SUCCESSION AND ADOPTION

ARTICLE 67

Exclusion from Inheritance

1. An exclusion from the right of succession by will or on intestacy or the forfeiture of an estate which occurred during the material period by virtue of a legislative measure for any of the reasons referred to in Article 1 shall be deemed not to have occurred.
2. For the purpose of determining any periods of limitation, the event giving rise to the succession shall be deemed to have occurred on the effective date of this law.

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ARTICLE 68Avoidance of Testamentary Dispositions
and of Disclaimers of Inheritance

1. Testamentary dispositions and contracts of inheritance made in the material period by virtue of which any descendant, parent, grandparent, brother, sister, half-brother, half-sister, or their descendants, as well as a spouse, was excluded from inheritance for the purpose of avoiding a seizure of the estate by the State, anticipated by the party making the disposition, for any of the reasons referred to in Article 1, shall be capable of being avoided. Subject to the provisions of paragraph 3 of this Article the power of avoidance shall be governed by Sections 2080 et seq. or 2281 et seq. of the Civil Code.
2. Disclaimers of inheritance by persons described in paragraph 1 shall be capable of being avoided provided such disclaimers were made within the material period in order to prevent an anticipated seizure of the property by the State, for any of the reasons referred to in Article 1. Subject to the provisions of paragraph 3 of this Article, the right of avoidance shall be governed by Sections 1954 et seq. of the Civil Code.
3. Testamentary dispositions, contracts of inheritance or disclaimers of inheritance must be avoided not later than 31 December, 1949.

ARTICLE 69Testamentary Disposition of a
Persecuted Person

1. A testamentary disposition made within the material period shall be valid, notwithstanding non-compliance in whole or in part with any formal requirements, if the testator made such disposition in view of an actual or imagined immediate danger to his life, based on measures of persecution for any of the reasons referred to in Article 1, and where the circumstances were such that he could not, or could not reasonably, be expected to comply with the statutory formal requirements.
2. Any testamentary disposition coming within the provisions of paragraph 1 shall be deemed not to have been made if the testator was still capable of making a testamentary disposition complying with the statutory requirements after 30 September, 1945.

- 30 -

ARTICLE 70Re-establishment of Adoption

1. If an adoption relationship was revoked within the material period for any of the reasons referred to in Article 1, such relationship may be reinstated nunc pro tunc by a contract between the foster-parent or his heirs and the child or his heirs. Sections 1741 to 1772 of the Civil Code, with the exception of Sections 1744, 1745, 1752 and 1753, shall apply to the contract of reinstatement. A contract of reinstatement may be judicially confirmed notwithstanding the death of the parties to it. If one of the parties concerned is not capable of being brought before the Court a guardian ad litem (Pfleger) may be appointed to represent his interests in the proceedings for reinstatement.
2. Where an adoption was revoked by decision of a court during the material period for any of the reasons referred to in Article 1 and no facts appeared which would have entitled any of the contracting parties to revoke the adoption subsequently on his own initiative, such party or his heirs may require that the decision be quashed.
3. The Amtsgericht which cancelled the adoption shall have jurisdiction in cases falling within the provisions of paragraph 2. Paragraph 1, fourth sentence, shall apply mutatis mutandis. The decision of the court shall be discretionary and shall take into account the interests of the parties. Upon a revocation of the order cancelling the adoption, the adoption shall be deemed to be reinstated nunc pro tunc. The court may stipulate that certain parts of its order shall not have retrospective effect.
4. No costs or fees shall be charged in such proceedings.
5. An application for re-establishment of an adoption must be made on or before 31st December, 1949.

ARTICLE 71Jurisdiction

Any claims arising under Article 67 to 70 shall be decided by the ordinary civil courts. A filing of a claim with the Central Filing Agency shall not be necessary.

- 31 -

PART XVREINSTATEMENT OF TRADE NAMES AND
OF NAMES OF ASSOCIATIONS.ARTICLE 72Re-registration of Cancelled Trade Names

1. Where a trade name was cancelled in the Commercial Register within the material period after the business establishment had been closed for any of the reasons referred to in Article 1, the cancelled trade name shall on application be re-registered if the business is reopened by its last owner or owners or of his or their heirs.
2. If the business establishment closed was conducted at the time of its closing by a single owner, the last owner or his heirs shall be entitled to demand the re-registration of the cancelled trade name. If there are several heirs, and if not all of them participate in the resumption of the enterprise, the re-registration of the cancelled trade name may be demanded, provided that the heirs who do not participate in the business assent to the resumption of the trade name.
3. If at the time of its closing the business establishment was conducted by several partners personally liable, re-registration of the cancelled trade name may be demanded if all the partners so liable establish a business enterprise, or if one or several of them do so with the consent of the remaining partners; in respect of heirs of partners the provisions of paragraph 2 shall apply mutatis mutandis.

ARTICLE 73Change of Firm Name

Where a firm name was changed in the material period for any of the reasons referred to in Article 1, the former firm name may be restored upon the application of the person who owned the business concern at the time the change was made, or of his heirs, provided he or they now own the enterprise. The provisions of Article 72 paragraph 2, second sentence, and paragraph 3 shall apply mutatis mutandis.

ARTICLE 74Names of Juristic Persons

The provisions of Articles 72 and 73 shall be applicable to the trade names of juristic persons.

- 32 -

ARTICLE 75Re-instatement of Trade Names in other cases

Whenever the use of a former trade name is requisite to secure full restitution, the Restitution Chamber may permit the reinstatement of a cancelled or changed trade name in cases other than those provided for in Articles 72 to 74.

ARTICLE 76Names of Associations and endowments (Stiftungen)

Article 75 shall apply mutatis mutandis to the resumption by an association or an endowment of its former name.

ARTICLE 77Procedure

Applications for the registration in the Commercial Register of former firm and trade names must be filed within the period prescribed by this Law for the filing of claims for restitution. The Amtsgericht in its capacity as Court of Registry shall have jurisdiction over these applications except in the cases provided for in Article 75. In all other respects the procedure shall be governed by the rules of procedure applicable to matter of non-contentious litigation. No costs or fees shall be charged in such proceedings.

PART XVIFINAL PROVISIONSARTICLE 78Limitation

To the extent to which the provisions of the Civil Code as to limitation of actions, or as to prescriptive rights, might defeat any claim falling under this Law, any relevant periods of limitation or prescription shall be deemed not to have expired until six months after such cause of action arises by reason of the operations of this Law, and in no event prior to 30th June, 1950.

ARTICLE 77Taxes and other Levies

1. Taxes and other public levies shall not be imposed in connection with restitution. No fiscal claims shall be imposed on a claimant in respect of

/the...

- 33 -

the period during which he was unjustly deprived of the affected property.

2. No taxes, including inheritance taxes, or other public assessments, fees or costs shall be refunded in connection with the return of confiscated property.

ARTICLE 80

Implementing and Carrying-out Provisions

Military Government will by Regulation provide for the establishment and prescribe the functions and duties of the Restitution Agencies where this Law is otherwise silent and for the carrying out of the provisions of this Law.

ARTICLE 81

Jurisdiction of German Courts

Subject to the limitations on the jurisdiction of German Courts imposed by Military Government Law No. 2 in the version for the time being in force, German Courts are hereby authorised to exercise jurisdiction in cases involving offences against any of the provisions of Article 66.

ARTICLE 82

Official Text

The German text of this Law shall be the official text and the provisions of Military Government Ordinance No. 3 and of paragraph 5 of Articles II of Military Government Law No. 4, shall not apply to such text.

ARTICLE 83

Effective Date

This Law shall come into force on 1948.

BY ORDER OF MILITARY GOVERNMENT

Restitution to Victims of Fascism 370/50/48

Office of the Political Adviser,
Headquarters,
Control Commission for Germany,
(British Element),
BERLIN, B.A.G.R. 2.

See also 266/5/49.

9 November, 1948

Confidential

Pol. 370/50/48

No. 25.

Sir,

I have the honour to refer to your Despatch No. 348 (C 7:66/704B/18) of the 24th September in which you requested that a revised draft of the proposed Restitution Law for the British zone should be prepared as soon as possible. The draft was accordingly prepared in accordance with your instructions and copies thereof were communicated semi-officially to the Foreign Office. In the light, however, of certain comments by the Legal Adviser's Department the draft is being further amended in order to reflect more accurately the agreement reached at the meeting in the Foreign Office on 6th September. As it is understood that copies of this further revised draft are required urgently for consideration in London they are being forwarded direct to the Foreign Office by the Legal Advice and Drafting Branch of the Legal Adviser's Office at Herford.

2. Meanwhile, in accordance with your wishes, the United States Military Authorities have been asked to express their views regarding the British draft. It is hoped that these views will be forthcoming in the near future, but I fear that there is little prospect that the United States Authorities will be prepared to consider introducing any modifications in their own Restitution Law on the basis of any proposals put forward by us. I consider, however, that the revised British draft represents an improvement in certain important respects on the United States zone law, for example in the provisions relating to the protection of innocent purchasers and in the provisions in Article 9 regarding the nature and functions of the proposed Trust Corporation. This Article by providing that the Trust Corporation shall be undenominational is designed to protect Military Government against possible cabarrassment, for example, in the case of heirless property of Communist, Polish or Czechoslovak ownership.

3. While it is clearly desirable that the British zone law should be promulgated with the least possible delay, I should draw your attention to the fact that at the beginning of the year, in reply to a request from the Minister Resident of Land Schleswig-Holstein in his capacity as Chairman of the then Standing Conference of Ministers President, that the draft law should be submitted to the Conference for consideration before it was promulgated, an assurance was given in general terms that the draft law would be submitted to "the appropriate German authorities". It was not specified in this reply who would be

/regarded

The Right Honourable Ernest Bevin, M.P.,
etc., etc., etc.,
Foreign Office,
London, S.W.1.

Despatched 10/11/48
26

HPM
11/11/48

- 2 -

regarded as the appropriate German authorities, but as the Ordinance deals with many technical and complicated provisions of property law and civil procedure the appropriate authorities would appear to be the central Legal Office and the Land Ministers of Justice who will be the authorities responsible for administering the Law. I feel bound to abide by this assurance but can see no objection to giving the Central Legal Office and the Ministers of Justice a definite time limit within which to submit their views.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble servant

For the Military Governor

sgd. K. Steel.

Copies to: Financial Adviser's Dept.,
(Property Control Branch-)

Legal Adviser

Central Secretariat

attached 370/60/48

Registry
No.

*Typed 9/11/48
Cent. Sec. Branch
Ref 370/60/48
Confidential*

Draft despatch to:

Foreign Office
No. 25.

9/11/48

NOTHING TO BE WRITTEN IN THIS MARGIN

Copies to
① *Financial Adviser's Dept
(Property Control
Branch)*

② *Legal Adviser*

③ *Central Secretariat
(Miss Humphreys)*

*Mr. Herschfeld
with a view first.*

Sir,

I have the honour to refer to your Despatch No. 348 (C 7866/7048/18) of the 24th September in which you requested that a revised draft of the proposed Restitution Law for the British Zone should be prepared as soon as possible. The draft was accordingly prepared in accordance with your instructions and copies thereof were communicated semi-officially to the Foreign Office. In the light, however, of certain comments by the Legal Adviser's Department the draft is being further amended in order to reflect more accurately the agreement reached at the meeting in the Foreign Office on 6th September. As it is understood that copies of this further revised draft are required urgently for consideration in London they are being forwarded direct to the Foreign Office by the Legal Advice and Drafting Branch of the Legal Adviser's Office at Herford.

2. Meanwhile, in accordance with your wishes, the United States Military Authorities have been asked to express their views regarding the British draft. It is hoped that these views will be forthcoming in the near future, but I fear that there is little prospect that the United States Authorities will be prepared to consider introducing any modifications in their own Restitution Law on the basis of any proposals put forward by us. I consider, however, that the revised British draft, ~~although it has now been brought much closer to~~ ~~United States Zone law~~ represents an improvement in certain important respects, ^{on the U.S. Zone Law} for example, in the provisions relating to the protection of innocent purchasers and in the provisions in Article 9

/regarding

regarding the nature and functions of the proposed Trust Corporation. This Article by providing that the Trust Corporation shall be undenominational is designed to protect Military Government against possible embarrassment, for example, in the case of heirless property of Communist, ~~the~~ Polish or Czechoslovak ownership.

3. While it is clearly desirable that the British Zone law should be promulgated with the least possible delay, I should draw your attention to the fact that at the beginning of the year, in reply to a request from the Minister President of Land Schleswig-Holstein in his capacity as Chairman of the then Standing Conference of Ministers President, that the draft law should be submitted to the Conference for consideration before it was promulgated, an assurance was given in general terms that the draft law would be submitted "to the appropriate German authorities". It was not specified in this reply who would be regarded as the appropriate German authorities, but as the Ordinance deals with many technical and complicated provisions of property law and civil procedure the appropriate authorities would appear to be the central Legal Office and the Land Ministers of Justice who will be the authorities responsible for administering the law. I feel bound to abide by this assurance but can see no objection to giving the Central Legal Office and the Ministers of Justice a definite time limit within which to submit their views.

PP
9/11

NOTHING TO BE WRITTEN IN THIS MARGIN

Restitution to Victims of Fascism

370 / 59 / 48

Political Division,
 Headquarters,
 Control Commission for Germany,
 (British Element),
 BERLIN. B.A.O.R. 2.

Pol. 370/59/48

1 November, 1948

58

Please refer to your letter C 7866/7048/18 of 25th October. Following the meeting held at the Foreign Office on 6th September on the draft Restitution Law, the law was re-drafted by the Legal Adviser to the Military Governor and referred to the Americans for their observations and a copy was sent to you. Simpson's comments have been received and, in the light of them the draft will be corrected to reflect more accurately the agreement reached at the meeting on 6th September.

Meanwhile we are doubtful whether any concrete advantage will emerge from the reference to the Americans. As you know, their Restitution Law is already in operation and, although there is a certain amount of criticism of it in their Headquarters, the Americans have stated pretty firmly that they are not prepared to modify it in the interest of "harmonisation" of legislation. Their observations are therefore likely to be disinterested. On receipt of your letter, however, we asked them to let us have their comments as soon as they conveniently can, and we are hoping to hear from them within a week. We will then forward our re-draft to you without delay.

Revised

A. G. Gilchrist Esq.,
 German Political Department,
 Foreign Office,
 S.W.1.

P. Gawn

Despatched

*11/4/48
 RG*

HK

370/59/48

Registry

No. POL/370/59 /48

30/10
Typed
1/11/48
SM. Kidd.

Draft to
Mr. Gillechrist
Foreign Office

for signature by
Mr. Garran.

Am 30/10.

NOTHING TO BE WRITTEN IN THIS MARGIN

Please

With reference to your despatch C 7866/7048/18

of 24 September and your letter under the same reference of 25th October. Following the meeting held at the Foreign Office on 6th September on the draft Restitution Law, the law was redrafted by the Legal Adviser to the Military Governor and referred to the Americans for their observations and a copy was sent to you. Your Assistant Legal Adviser's comments on this draft have been received and, *in the light of them the draft will be corrected to more accurately* if so far as it does not adequately reflect the agreement reached at the meeting on 6th September, it will be corrected before being forwarded to you.

Meanwhile, we *as doubtful whether any* are not quite clear what concrete advantage you hope to secure from the reference to the Americans. As you know, their Restitution Law is already in operation and, although there is a certain amount of criticism of it in their Headquarters, the Americans have stated pretty firmly that they are not prepared to modify it in the interest of "harmonisation" of legislation. Their observations are therefore likely to be disinterested. On receipt of your letter, however, we asked them to let us have *their comments* ~~them~~ as soon as they conveniently can, and we are hoping to hear from them within a week. We will then forward our redraft to you without delay.

RG
2
30/x

Restitution to Victims of Fascism



(C 7866/7048/18)

CONFIDENTIAL.

Mr. Mace 370/58/48

Could we have a word
FOREIGN OFFICE, S.W.1. *all this?*

25th October, 1948.

Then enter & return
to me *RG*
28/x

Dear Peter,

(NO. 348.)

Please refer to our despatch C 7866/7048/18 of the 24th September on the draft Restitution Law for the British Zone.

We have heard nothing officially of the progress which has been made in preparing a revised draft, or in discussing it with the United States authorities in Germany, but Simpson, our Assistant Legal Adviser has received from the Legal Adviser's office in Berlin a draft which in our view does not conform wholly to the drafting instructions which were agreed at our meeting on the 6th September. Simpson has written to Herchenroder drawing his attention to a number of the points concerned. The main matters at issue are however, political, and it is not a subject in which the experts should be allowed to proceed entirely in their own way and at their own pace. Our failure to produce a Restitution Law is a matter which lays us open to considerable parliamentary criticism in this country. Mr. Crossman has written to Lord Henderson within the last week and when Parliament reassembles there is certain to be a further crop of questions on the subject. I should therefore be grateful if you would look into the present position and help us to get a text which has been discussed with the Americans.

Yours sincerely
A.G. Gilchrist
(A.G. Gilchrist)

I.P. Garran, Esq.,
Berlin.

SEE ACTION
AT 59.

*Can't get a comment to be
Have considered your
comments
In the case have
received do off which
we now think is
best that can be done*

Restitution to Victims of Fascism.

370/57/48

C. From:— Mr. R.H. Parker.

Office of the Assistant Financial Adviser (Exec.)
Zonal Executive Offices

Telephone Minden 1733.

C.C.G. Minden
64 H.Q. C.C.G. (B.E.)
B.A.O.R. I

Telegrams "FINDIV MINDEN"

Reference..... Fin/20648/6(FC)

13th. October 1948.

*Winters 1948
11/17/48*

See paper ref: 156.

My dear Marreco,

Weisberg has written to me to say that the Foreign Office has now undertaken to show the draft restitution law to I.R.O. before assenting to it, as well as to the other associations interested.

I have copied this information to Herchenroder for it will, of course, import more delay, and, perhaps additional difficulty, though I.R.O. is not, so far, greatly enthusiastic over the Law in the American Zone.

AM 18/10

X A

Yours sincerely,

R.H. Parker.

A. Marreco Esq.,
Governmental Sub-Commission,
HQ C.C.G. (BE),
BERLIN, B.A.O.R. 2.

[Handwritten initials]

Restitution to Victims of Fascism.

Office of the Financial Adviser,
(Berlin Head Office)

370 / 56 / 48.

2.

Ref: FIN/30670/1 BERLIN 864563

13th October 1948

Legal Adviser's Office
BERLIN. (For Mr. Herchenroder)

C.O. GERMANY POL. DIV.
15 OCT 1948
RECEIVED

Subject:- Restitution to Victims of
Nazi Persecution.

I attach copies of correspondence which has passed between the Foreign Office and the Organisation Internationale, Pour Les Refugies, Geneve, on the subject of the draft Law on restitution to victims of Nazi persecution, for your information.

W.J.
for Financial Adviser

- Copy to:- Political Adviser's Office (with enclosure) ✓
- " " A.F.A. MINDEN - For information with reference to your FIN/20648/6(PC) of 8th October, 1948. (without enclosure).

Encls:

AM 18/10
W. J. Herchenroder

C O P Y

ORGANISATION INTERNATIONALE,
FOUR LES REFUGIES
Palais des Nations,
GENEVE.

INTERNATIONAL REFUGEE
ORGANIZATION.

Telephone: 2 80 00

22nd September, 1948

Telegraphic address: PCIRO GENEVE

Ref. No: 92/1/G.BZ
FW/gn

Sir,

I have the honour to refer to your letter of the 13th August (ref. F2/13) and to thank you for your willingness to afford us an opportunity to comment on a Draft Ordinance concerning restitution of property which is at present under discussion.

In your remarks about the various stages through which your work on this problem has progressed, reference is made to the Restitution Law at present operative in the U.S Zone of Germany. Our experts have closely studied this Law as well as Ordinance No. 120 concerning this subject, which was published in the French Zone of Germany on the 10th November, 1947. They have examined the possible ways of approach to this problem which find expression, on the one hand, in detailed special legislation, and, on the other hand, in the enactment of a few special rules to cover the specific situation created by discriminatory dispossessions with reliance, for the rest, on the rules of general law. Our experts have come to the conclusion that detailed special rules are necessary because the application of the rules of general law is inevitably inadequate to the existing special situation. The first way of approach is adopted in Law No. 59 for the U.S Zone of Germany. Our experts think that this Law is somewhat cumbersome, but prefer it to the French Zone Ordinance. They stress that the greatest possible uniformity in the treatment of this subject in the various Zones would be desirable. They feel, therefore, that a solution by which the British Zone Ordinance would be based closely on the Law for the U.S Zone would be a particularly happy one.

I have the honour to be, Sir,

Your obedient Servant,

(sgd). G.C. Kullmann
Director, Legal Department.

J.P. Hampshire Esq.,
Foreign Office,
Norfolk House,
St. James's Square,
London, S.W.1.

COPY

HLC/COPY

WHI. 4477
Ext. 293FOREIGN OFFICE,
NORFOLK HOUSE,
ST. JAMES'S SQUARE,
LONDON. S.W.1.

F2/13

23rd August 1948

Sir,

I refer to your letter 92/1 GEZ of 6th August which has been sent over by Mr. Edmonds to this Department for reply.

The arrangements for the production of a Restitution Law in the British Zone of Germany are at present in a somewhat fluid state. A draft was produced some time ago by the Control Commission but it did not find approval in London, and we are now considering whether an attempt should not be made to base the British Zone Ordinance closely on the Law which is now operative in the American Zone. Discussions are at present proceeding between London and Berlin to this end. We hope that by the end of this month we shall have an agreed basis for a fresh draft which will be fairly close to the American Law.

We very much appreciate your offer of cooperation in the matter, and we shall be glad to afford you an opportunity to comment on any draft Ordinance which emerges as the result of our present discussions. Arrangements will be made for a copy of this draft to be sent to you as soon as it is ready for any comments which you may wish to make. We should prefer not to send you a copy of the original British draft referred to above since it now seems unlikely that this will be the basis of the legislation which will actually be introduced in the British Zone.

Yours faithfully,

(sgd). G.P. HAMPSHIRE

The Executive Secretary,
Commission Préparatoire de
l'Organisation Internationale
pour les Réfugiés,
Palais des Nations,
GENÈVE.

C O P Y

COMMISSION PREPARATOIRE DE
L'ORGANISATION INTERNATIONALE
POUR LES REFUGIES
Palais des Nations
GENEVE

PREPARATORY COMMISSION FOR THE
INTERNATIONAL REFUGEE
ORGANIZATION

Telephone: 2 80 00

Telegraphic address: FCIRO GENEVE

6 August, 1948

Ref. No. 92/1/GBZ

My dear Edmonds,

Our Legal Adviser in the British Zone of Germany has informed us that the question of an Ordinance on restitution to owners of property confiscated by the Nazis in the British Zone of Germany is being actively considered at the present time. Needless to say, my colleagues in the Protection Division are very interested in this problem as a great number of persons coming within our mandate have suffered dispossession by the Nazis. Therefore we should be grateful if you could provide us with full information on the subject, including the draft Ordinance, should such a draft already exist.

We, in turn, would be pleased to offer our cooperation in this matter and, in particular, to have an opportunity to comment on such a draft Ordinance. You are, of course, aware that we have to deal with restitution problems in many countries, and are generally kept "au fait" on the question of restitution legislation by the authorities concerned; thus some members of my staff have acquired a rather specialised knowledge in this field.

Might I avail myself of this opportunity to make a plea for timely transmission of information by the competent British authorities concerning any measures likely to affect the legal status or any vital interests of DPs and refugees under our mandate, so as to enable us to offer any suggestions we might consider appropriate?

Yours sincerely,

(sgd). G.G. Kullmann

C.J. Edmonds, Esq., CBE.,
Foreign Office,
Whitehall,
London, S. W. 1.



No. 348.

(C 7866/7048/18)

FOREIGN OFFICE, S.W.1.

CONFIDENTIAL.

24th September, 1948.

I have asked the officials of the Legal Adviser to proceed with the redraft of the Law and let me know when it can be discussed with the Americans. AM 29/9.

C.C. GERMANY POL. DIV.
27 SEP 1948
RECEIVED

I am sending you under cover of this despatch the agreed Minutes of a meeting held at the Foreign Office on the 6th September, 1948, to discuss the question of a draft Restitution Law for the British Zone of Germany.

2. As will be seen from this record, the meeting decided that a revised draft Restitution Law should be prepared as soon as possible. I should be grateful if you would give instructions that this work should be carried out without delay, and that the revised draft should be submitted at an early date. In considering this matter I felt that it would be impracticable that there should be widely differing legislation in the three Zones on the controversial subject of restitution, particularly at a time when we are already engaged in an attempt to reconcile existing differences between the separate zonal legislation systems. Before the draft is submitted therefore, I should be grateful if it could be discussed with the United States authorities in Germany. As you are aware, their own zonal legislation on this subject has already been in force for some ten months, and it appears to me unlikely that the United States authorities would be willing to repeal it in deference to any representations on our part. It is, on the other hand, possible that they may be prepared, in the light of their experience in the practical working of the Restitution Law, to introduce modifications of detail if we are able to put forward constructive proposals.

3. When the draft and the United States Zonal Restitution Law have been harmonised as far as possible and submitted to the Foreign Office, the question will arise of examining with the French authorities how far it will be possible to bring the French Zonal legislation on this subject into line with the United States Law and our own proposals. I am of the opinion, subject to your views, that it would be advisable to await approval of the draft Resolution Law here before approaching the French Zonal authorities.

I am, with great truth and regard,
Sir,
Your obedient Servant,
(For the Secretary of State)

James Mayallbank

SEE AT 60

General

Sir Brian Robertson, Bt., K.C.M.G., K.C.V.O.,
etc., etc., etc.,
Berlin.

Spoke Herbrade - who has handed a copy of his draft to the Americans & now awaits their comments. I asked for a copy of the draft to be sent to this office. He will keep us advised 27/9

Restitution to Victims of Fascism. 655/42/48 370/55/48

No 1 seen M.G. Enter

NOTES OF MEETING HELD AT FOREIGN OFFICE, DOWNING STREET,
ON 6th SEPTEMBER 1948, TO DISCUSS A DRAFT RESTITUTION LAW FOR
THE BRITISH ZONE OF GERMANY

There were present:-

Mr. J.A.M. Marjoribanks	(German Political Dept.)	(Chairman)
Mr. F. Brooks Richards, DSC.,	" " "	"
Sir Cyril Jones, KCIE., CSI.,	(German Finance Dept.)	(In the Chair for the latter part of the meeting)
Mr. R.S. Crawford	(German Finance Dept.)	
Mr. H. Weisberg, CMG.,	" " "	
Mr. C.J.D. Potter	" " "	
Mr. J.L. Simpson	(Asst. Legal Adviser, Foreign Office)	
Mr. A. Merreco	(Office of the Political Adviser, C.C.G.)	
Mr. R. Parker	(Property Control Branch, C.C.G.)	
Mr. M.J.P. Kelly	(" " " ")	
Mr. M.F.P. Herchenroder	(Office of the Legal Adviser, C.C.G.)	
Miss G.R. Riddell	(" " " ")	

The Chairman stressed that German Nationals who were the subject of Nazi oppression for racial, religious or political reasons, must be regarded as a special category for which special treatment must be accorded in the matter of restitution. It was impracticable to have two or three different laws in the Western Zones, particularly because of the fusion of the U.S. and British Zones and the possibility of the formation of a Trizone. Also, there would probably be claimants with property in more than one of the Zones. Delay was inadvisable as it was essential to introduce our law before any Western German Government came into being.

The French law incorporated the principle of the presumption of duress, thus following the U.S. The line taken by the Foreign Office conforms to what was adopted in the Peace Treaties, i.e. the principle of the restoration of property to victims of discrimination.

Mr. Parker stated that, in the U.S. Zone, there had been 1,100 amicable settlements and practically no cases, so far, of litigation in Court. He did not think that the U.S. would repeal their law.

Sir Cyril Jones said that the number of amicable settlements appeared to indicate that the U.S. Law was drafted on the right lines.

The meeting then proceeded to discuss the U.S. Law in the light of Berlin criticisms as set out in 974 Basic.

Article 1.

The meeting agreed that the basic principle of the presumption of transfer under duress should be accepted. It was agreed that the British draft should make it clear that the presumption was in favour of the victim, subject to the interests of innocent possessors being taken into consideration, i.e. Clause 1 should stand, but Clause 2 would need some modification, i.e. by amendment of the last sentence. The wording should be discussed between Mr. Herchenroder and Mr. Simpson.

Article 4

Mr. Herchenroder criticised the wording and form of this Article and suggested that it needed clarification. The meeting agreed that the Article should be redrafted, and Mr. Herchenroder considered that the re-draft might begin with the words:-

"In deciding whether the presumption may be rebutted, the Court etc.". Mr. Herchenroder added that this might involve modification

/of ...

-2-

of Article 3, but the meeting gave no specific direction for a change in substance.

Article 10

Mr. Parker pointed out that, apart from Jewish heirless property, there was an important category of Polish heirless property in our Zone and also some heirless Czech property. Political Adviser in Berlin had always been opposed to any solution which created a quasi-permanent satellite state interest in Western Germany.

The Chairman stated that there was a definite objection to the German State becoming a beneficiary. There was also objection to any funds being controlled by bodies incorporated outside Germany. It was necessary, therefore, to stipulate that any bodies which were formed to control heirless property should be German but not State.

The meeting considered that one general, undenominational Fund would best serve the purpose, and that the aim should be an eventual 100% distribution of the assets so as to avoid any subsequent succession to the Fund. The CCG representatives were asked to put this to the Americans for their agreement before a final decision was taken in London. Mr. Marreco reminded the meeting that we were under an obligation to show our draft to the Land Governments. Sir Cyril Jones pointed out that F.O.(G.S.) were under an obligation to show it to interested parties in London.

Article 15.

It was decided that the provisions of this item should be considered by the Drafting Committee at the same time as Articles 1 and 4.

Article 26

Mr. Herchenroder pointed out that the last sentence of Clause 1 of this Article really made the provisions of the first sentence nugatory.

Article 34

Agreed that it should be amended to conform to the views expressed by CCG in 974 Basic.

Article 49

Agreed to omit the second sentence of Clause 1.

Article 66

The views of CCG in 974 Basic were accepted.

Articles 74 and 77

Agreed to omit the whole of Part 13.

General

The meeting decided that an approach should be made by the CCG representatives to the Americans in Germany on any points where it had been decided to depart from the U.S. Law, in order to seek their agreement to a uniform text.

Mr. Marreco suggested that it might be desirable to approach the French in the first place to persuade them to harmonise their law with ours.

Sir Cyril Jones pointed out that the matter was one of urgency and an approach to the French could only be made if it were not to involve undue delay.

Mr. Parker suggested that action of this nature should be taken on the political side. It might be difficult to persuade the French /to ...

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to amend a law which was in operation, but, on the other hand, the French might find it hard to refuse to harmonise with us if we had obtained Anglo-U.S. agreement to a common draft.

Mr. Herchenroder pointed out that it would be desirable in the interests of clarity and grammar to put forward in the British draft certain other textual amendments which the meeting had not discussed. These would be concerned with points of drafting and not of substance.

Restitution to Victims of Fascism 370/54/48

Miss Kirkpatrick to see
G.P.B. P.K 4/10
M 4/10

HANNOVER 89 2122

229/MG/1274/5/16/GSS

HQ Land Niedersachsen
229 HQ CCG (BE)
Hannover, BAOR 5

29 Sep 48

To: Foreign Office (German Section)
Whitehall, London S.W. 1

Governmental Structure Office
Political Division
HQ CCG (BE), Berlin, BAOR 2.

S.C. GERMANY POL. DIV.
1 OCT 1948
RECEIVED

Subject: Law on the Restitution for Victims
of Nazi Persecution.

Attached please find three copies in
English of the above named law for use in your
Research Library.

[Signature]
JSCO in charge
Governmental Structure Section
LAND NIEDERSACHSEN

HANNOVER
JAG/ERMP

[Handwritten initials]

The Niedersachsen Landtag

Hannover, August 5, 1948

LAW CONCERNING THE GRANT OF SPECIAL RELIEF
TO VICTIMS OF NATIONAL SOCIALIST
DESPOTISM (BODILY HARM)

I. OBJECT

Section 1

1. Special relief will be granted pursuant to the provisions of this law to those persons who, since the 30th January, 1933, have sustained injuries to life and limb (bodily harm), as a result of National Socialist persecution or oppression for political, ideological, religious, or racial reasons.

2. A person, who because of his anti-social behaviour or National Socialist activities, is deemed unworthy may not claim special relief.

II. EXTENT

Section 2

The following may be granted as special relief:-

1. An allowance;
2. Refund of the cost of an adequate training to persons affected who were unable to complete such training owing to the injuries sustained;
3. Refund of the cost of re-training for a new occupation, if the original occupation can no longer be pursued as a result of the injuries sustained;
4. Preferential granting of any licences or permits which may be required for the new occupation;
5. The allocation of plant equipment and premises which might be required for a new enterprise;
6. The grant of a loan for the opening of a new enterprise, if it could not exist without such loan. The loan shall not exceed 5,000 DM. It shall be granted either free of interest or at a low rate of interest;
7. Curative treatment for injured persons who, as a result of the injuries sustained, are still ill, or again fall, ill.

Section 3

1. The allowances will be paid according to the following scale:-

30 per cent disablement	70 DM per month
40 " " "	90 DM " "
50 " " "	120 DM " "
60 " " "	140 DM " "
70 " " "	170 DM " "
80 and higher	200 DM " "

- 2 -

If the allowance to be granted according to the above scale is less than 140 DM, it will be increased to 140 DM for women on completion of the 55th year and for men on completion of the 60th year.

2. Marriage allowance of one eighth of the allowance is to be paid. If the wife herself is in receipt of special relief in excess to this amount, marriage allowance will not be paid. In the case of a divorce, marriage allowance is to be paid if the husband must pay alimony.

3. For every child entitled to maintenance, a children's allowance of 20 DM per month will be paid up to the completion of the eighteenth year of life. If the child on completion of the eighteenth year has not finished school or occupational training, and if a disabled person is liable to maintain the child beyond that date, children's allowance will continue to be paid until the completion of the school or occupational training, but not longer than the completion of the twenty-fifth year.

4. A special nursing allowance of 75 DM per month will be paid, if the injured person is in a helpless condition as a result of the injuries sustained. Nursing allowance will not be paid for the period during which the injured person receives medical care and food in a hospital.

5. The allowance is to be paid from the first of the month in which the application has been made. The Minister of the Interior in agreement with the Minister of Finance, may for the time after the 30th June, 1948 grant exemption from this provision in cases of hardship.

Section 4

1. If the injured person has died as a result of the injuries sustained, the surviving dependants who are entitled to maintenance by law, will receive as special relief a Dependant's Allowance.

2. Irrespective of the earning capacity of the surviving dependants, the Dependant's Allowance will be

- (i) for the widow, three-fifths,
- (ii) for full orphans, one-fifth,
- (iii) for half orphans, one-eighth,
- (iv) for parents or other relations in the ascending line, three-tenths for each parent,

of the maximum allowance of 200.- DM per month, but never more than the last allowance paid to the deceased. If the dependant's allowance is to be reduced according to sentence one, and if several surviving dependants can claim allowances, their respective allowances will be reduced in equal proportions.

3. Other persons who have been maintained gratuitously by the deceased during his life may be granted a dependant's allowance, if they need it, but not more than one-fifth of the maximum allowance.

4. The payment of a widow's allowance will be discontinued three months after re-marriage. A woman who has been living with the deceased as husband and wife will receive a widow's allowance if marriage could not be contracted as a result of National Socialist measures of oppression and persecution. The Niedersachsen Minister of the Interior in agreement with the Niedersachsen Minister of Justice will decide whether these conditions existed. The payment of orphan's allowance will discontinue at the end of the month in which the orphan attains majority, marries, or dies.

- 3 -

- 3 -

5. A husband is a surviving dependant within the meaning of this law, if it can be proved that the deceased wife has contributed pre-dominantly to the common household; the provision of paragraph 4, third sentence will apply mutatis mutandis.

6. Persecuted persons who have been arrested and are missing since the 8th May, 1945, will be treated as deceased persons.

7. If the injured person who is entitled to an allowance under the provisions of this Law has died after 8th May, 1945, or dies after coming into force of this Law, the surviving dependant listed in paragraph 2 hereof will receive 500 DM death benefit. If the death has occurred as a result of the injury sustained, death benefit will be paid in addition to the dependant's allowance. The death benefit will be paid to the dependant who has defrayed or will defray the cost of the burial.

Section 5

The income of the injured persons received from Public funds and social Insurance payments is not to be taken into consideration when assessing the allowance (Section 3, paras 1, 2 and 4).

III. Rights and Obligations.

Section 6

1. Claims under this Law can only be made by persons who at the time this Law came into force:

- (i) were German Nationals, and
- (ii) had their domicile or permanent residence in Land Niedersachsen.

2. The subsequent establishment in Land Niedersachsen of residence is sufficient, provided the injured persons can prove,

- (i) that he is a returned political emigree,
- (ii) that he has returned from war captivity, or
- (iii) that he has been transferred from areas no longer under German Administration into Land Niedersachsen in the course of official evacuation measures, or
- (iv) that he has sustained the injury in Land Niedersachsen, or
- (v) that he has had his domicile or permanent residence in Land Niedersachsen for an uninterrupted period of two years during the time from the 30th January, 1933 to the day of the coming into force of this Law.

3. Claims under this Law will lapse at the end of the quarter in which the person entitled to special relief establishes domicile or permanent residence outside Land Niedersachsen.

4. The Niedersachsen Minister of the Interior may, upon application, grant exemption from these provisions in special cases.

5. If the conditions on which the decision on special relief has been based have subsequently changed materially, a new decision can be made on application or ex officio.

Section 7

1. An injured person of foreign nationality cannot submit claims under this Law unless the Niedersachsen Minister of the Interior has given his consent. This will also apply to Stateless Persons.

2. No such consent is required if the injured person was a German National at the time the injury was sustained.

- 4 -

Section 8

1. Expenditure for carrying out special relief will be borne by Land Niedersachsen.
2. Claims of the injured person or his surviving dependants for damage according to other Laws will pass to Land Niedersachsen at the time the decision on special relief becomes final. The transferred claim may not be exercised to the detriment of the injured person.

IV. Special Relief Committees.Section 9

1. Notwithstanding the provisions contained in Section 4 paras 4 and 7 and Section 7 para 1 special relief committees will decide on the grant of special relief under the exclusion of ordinary and administrative Courts.
2. A Kreis Special Relief Committee will be established in each Stadt and Land Kreis. The Kreis Special Relief Committee will consist of, and give its decisions in the form of a chairman who must have experience in legal matters and two assessors.
3. An Appeals Committee for Special Relief matters will be established to hear appeals against the decision of the Kreis Special Relief Committees. The Appeals Committee will consist of, and give its decisions in the form of a Chairman and four members, the Chairman and one member must be qualified to hold judicial or high administrative office. The Minister of the Interior is authorised to establish not more than three appeals committees if required to determine their places of office and distribution of business.
4. The Kreis Special Relief Committee will be elected by the Kreis Council for one election period. One member must be a member of the Kreis Council and should be a persecuted person. The second member must be a person persecuted under National Socialist despotism. Deputies have to be elected in case the ordinary members are prevented from discharging their duties.
5. The Appeals Committee will be appointed for a period of two years by the Minister of the Interior. Members must all be victims of National Socialist despotism. One member shall belong to the group of persons persecuted for racial reasons. The provisions of paragraph 4, third sentence will apply mutatis mutandis.
6. Only persons who have never been members of the NSDAP or one of its organisations can be elected or appointed Chairman or member of Special Relief Committees.
7. Before the end of the term of office, members of Special Relief Committees can only be dismissed from office under the provisions of the Reichs Disciplinary Code. The instituting authority is the Niedersachsen Minister of the Interior.

V. Procedure.Section 10

1. Special Relief will be granted on application only. Such application may be made either for a specific grant or if a legitimate interest exists for a decision that the claimant is entitled to special relief.

Section 11

1. The competent Special Relief Committee will be the committee of the Kreis in which the applicant has his domicile or permanent residence.
2. If an allowance is claimed the extent of disablement will be determined by the opinion of a Public Officer of Health. Only such Public Officers of Health can be consulted who have not been members of the NSDAP or one of its organisations.

- 5 -

Section 12

1. Unless otherwise provided, the proceedings before the Special Relief Committee will be governed by the provisions on non-contentious jurisdiction before Ordinary Courts. Ordinary Courts and Administrative authorities shall give assistance upon the request of a Special Relief Committee.

Section 13

1. If the Special Relief Committee cannot come to an agreement as to whether the injured person belongs to the group of persons defined in Section 1, the Land Committee shall be asked to give a decision.
2. The Land Committee will be elected by the Landtag. Its members must be persons persecuted by National Socialist despotism. Deputies have to be elected to act if the Ordinary Members are prevented from discharging their duties.

Section 14

1. No person who, as a Judge, would have been excluded from exercising his office pursuant to Section 31 of the Code of Civil Procedure, can take part in the work of the Land Committee.
2. The Land Committee will make its own rules of procedure.

Section 15

1. The Land Committee will determine whether the injured person is to be considered as a political prisoner or as a persecuted person. The decision is incontestable and binding upon the Special Relief Committees.

Section 16

The members of the Committees will receive a compensation for the period of their activity.

Section 17

The Niedersachsen Minister of the Interior will appoint a Commissioner for the Safeguarding of the Public Interest at the Land Committee and at the Appeals Committee. The Regierungspräsident (President of Administrative Districts) will appoint Commissioners for the Safeguarding of the Public Interest with the Kreis Special Relief Committees. The commissioners will take part in the proceedings.

Section 18

Chairman and Members of the Committees are under the obligation to observe secrecy with regard to deliberation and voting.

Section 19

Special Relief can be refused:

- (1) if an applicant, knowingly or by gross negligence makes, causes to be made, or allows to be submitted a false statement on the origin or the extent of the damage, or if he virtually suppresses or distorts other facts relevant for the decision or uses false representations.
- (2) If an applicant offers, promises or grants to a witness, an expert witness, a member of a Special Relief Committee, or in the case of Section 13, to a member of the Land Committee, presents or other benefits in order to induce him to give false evidence, or a false expert opinion or to commit an act which constitutes a breach of the official duties.

VI. DecisionSection 20

1. The special relief committee will issue "Decisions".

- 6 -

- 6 -

2. The decision is to be made in writing. It will contain the decision arrived at, a statement of the facts of the case, the reasons for the decision and information as to appeals.

3. The decision will be served on the applicant and on the Commissioner for the Safeguarding of the Public Interest. The Kreis will be notified.

Section 21

The decision of the Special Relief Committees which have become final will be carried out by the competent Kreis.

VII. Appeals and Re-trial

Section 22

1. The decision of the Kreis Special Relief Committees can be appealed against within a month from the day when the decision was served. The appeal is to be made in writing. It is to be filed with the Kreis Special Relief Committee or with the Appeals Committee and must state the reasons.

2. The applicant or appellant can appoint a representative. Such representative must be admitted to appear in proceedings. An appeal may also be filed by the Commissioner for the Safeguarding of the Public Interest (section 17).

3. The Appeals Committee for Special Relief matters will decide on the Appeal. The provisions governing proceedings before the Kreis Special Relief Committee will apply mutatis mutandis, to proceedings before the Appeals Committee.

4. Subject to the provision of Section 6 para.4 the decision of the Appeals Committee will be final.

Section 23

1. New facts or new evidence can be submitted in support of the appeal only in so far as the appellant was prevented from submitting them in the first instance by no fault of his own.

2. If the appeal has not been filed within the prescribed period, the appellant may be granted re-instatement into his former position pursuant to the provision of the Law on Non-contentious jurisdiction.

Section 24

1. A re-trial will take place only in cases where, under the provisions of Section 580 of the Code of Civil Procedure an Action for Restitution (Restitutionsklage) can be brought. The provisions of the Code of Civil Procedure on procedure on restitution will apply mutatis mutandis.

VIII. Costs and Final Provisions

Section 25

1. No costs or expenses will be charged in proceedings before Special Relief Committees. The committee may, however, when refusing an application, the hopelessness of which must have been known to the applicant, charge him with a fee not exceeding 50 DM. Apart from that, especially with regard to appeals, the provisions of the Law on Court Fees (Kostenordnung) dated 25th November, 1935 (R.G.Bl. I p. 1371) will apply.

2. The Special Relief Committee may decide as to whether an applicant be reimbursed wholly or in part for the costs incurred in pursuing his claim. The amount is to be stated in the decision.

- 7 -

- 7 -

3. The decision regarding costs can be challenged only together with the decision on the main claim.

Section 26

The Cabinet will issue the necessary Legal and Administrative provisions for the carrying out of this Law.

Section 27

This Law will come into force on the day of its promulgation.

Hannover, August 5, 1948

The President of the Niedersachsen Landtag

(sigd) Olfers.

Certified that the above Law is a correct translation of the Law concerning the grant of special relief to victims of national Socialist Despotism (Bodily Harm) signed by Karl Olfers, President of the Niedersachsen Landtag.

Hannover, September 17th, 1948.

XXXXXXXXXXXXXXXXXX

as Translator.

Acting in pursuance of Article III of Military Government Ordinance No. 57, I hereby assent to the Law passed by the Niedersachsen Landtag on 5th August 1948, and entitled "Law concerning the grant of special relief to Victims of National Socialist Despotism (Bodily Harm)."

(sigd) J. LINGHAM

21 September, 1948.

Regional Commissioner
Land NIEDERSACHSEN

Restitution to Victims of Fascism

Office of the Assistant
Financial Adviser

From:—
Telegrams: "FINDIV" MINDEN
Telephone: MINDEN 1732

Finance Division
Zonal Executive Offices
C.C.G. Minden
64 H.Q. C.C.G. (B.E.)
B.A.O.R. I

Your Reference

Our Reference Fin/20648/16(FC)

28th August, 1948.

Political Division,
H. Q. C. C. G. (B. E.),
BERLIN, B. A. O. R. 2.

Subject: GENERAL ORDER NO. 10 -
Amendment No. 2

A further amendment of General Order No. 10 has become necessary in order to give effect to the tri-zonal agreement recently come to on the subject of the general restitution of securities. Your concurrence to the enclosed Staff Study and draft Amendment No. 2 to the Order is invited.

The Staff Study has already been signed by the Assistant Financial Adviser (Exec) and you are requested, subject to your concurrence, to forward the papers to the Office of the Financial Adviser.

MJPK/SMM

M. J. P. Kelly (M. J. P. Kelly)

ENCL.

for: Assistant Financial Adviser
(Exec.)

*Concurred for Political Adviser.
Registry please pass to Finance Adviser.*

AM 24/9

Restitution to Victims of Jurisdiction 370/52/48
Control Commission for Germany (British Element)

Incoming Confidential Telegram

FROM: FOREIGN OFFICE.

IYB. 25053..

TEL. NO: 1812 BASIC.

DECY: 0215. 3RD. SEPTEMBER, 1948.

2ND. SEPTEMBER, 1948.

RECEIVED

ACTION
COPY

CYPHER.

FOREIGN OFFICE TO BERCOMB BERLIN TEL. NO: 1812 BASIC
OF 2ND. SEPTEMBER, 1948.

REPEATED: CONCOMB LUBBECKE. 3250 BASIC.
MINDEN (PROPERTY CONTROL)

IMPORTANT:

51

seen by
Mr. Morrison

+
Our No. 1662 Basic of 26th. August, restitution law.

Meeting will be held in Room No. 197 at Foreign Office,
King Charles Street, Whitehall, at 3 p.m. on Monday 6th.
September.

++ 45

2. Regarding your No. 974 Basic of 19th. August we are
interested to know the provisions of the U.S. Law which the
Americans now feel to be unsatisfactory and would be glad if you
would bring this information with you.

+ IYB. 24545 refers.

++ OYB. 10923 refers.

INTERNAL DISTRIBUTION.

ACTION: POLITICAL DIV.

DISTRIBUTED:	PS/MILITARY GOVERNOR.	CHIEF SECRETARY.
	CHIEF OF STAFF.	CENTRAL SECRETARIAT.
	POLITICAL ADVISER.	ECONOMIC ADVISER.
	DCOS (POL)	LEGAL ADVISER.
	FIN. ADVISER (PERSONAL)	FINANCIAL ADVISER.
	MANPOWER ADVISER (PERSONAL)	
	CHIEF INFO. SERV. DIV.	

WP/DK. *[Handwritten signature]*

Restitution to Victims of Fascism 370/51/48
Control Commission for Germany (British Element)

Incoming Confidential Telegram

RECEIVED
BY
27 AUG
ACTION COPY
AM 29/8
IYB 24545

FROM: FOREIGN OFFICE

TEL. NO: 1662 BASIC

26TH AUGUST 1948

DECY: 0830 27 AUGUST 1948

CYPHER

FOREIGN OFFICE TO BERCOMB BERLIN TEL. NO: 1662 BASIC -27 AUG.1948

IMPORTANT

RPTD:CONCOMB LUBBECKE)2629
MINDEN)BASIC

+ /48
Your No. 1056 Basic of 24th August.

Restitution Law.

We agree date of 6th September and will notify you early of time and place.

+ OYB 11092 refers

INTERNAL DISTRIBUTION

ACTION: POLITICAL DIV.

DISTRIBUTED: PS/MILITARY GOVERNOR
PS/CHIEF OF STAFF
PS/DCOS (POLICY)
POL. ADVISER
CHIEF SECRETARY
CENTRAL SECRETARIAT

ECON. ADVISER
FIN. ADVISER (PERSONAL)
CHIEF INFO. SERV. DIV
MANPOWER ADVISER (PERS:)
LEGAL ADVISER
FINANCIAL ADVISER

CES/MID.
APK

File No. 1948
370
Vol II (SI -)