

No. 2755

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

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

Official texts: English and Polish.

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

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

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

Textes officiels anglais et polonais.

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

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

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

Article 1

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

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

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

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

Article 2

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

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

Article 3

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

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

Article 4

For the purposes of the present Agreement—

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

(1)—(a) “British nationals” shall mean :—

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

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

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

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

Article 5

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

¹ See p. 148 of this volume.

Article 6

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

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

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

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

Article 7

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

Article 8

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

(a) arrangements made under the Agreement of 20th January, 1930,¹ for the settlement of the Polish debt to the United Kingdom Government in respect of unpaid balances of costs of occupation of the Plebiscite Area of Upper Silesia and Olsztyn, and

(b) arrangements made between the United Kingdom Government and the Polish Government on 11th December, 1924, regarding the funding of relief bonds issued by Poland under the International Relief Credits Committee Scheme, and held by the United Kingdom Government,

shall be deemed to be extinguished.

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

Article 9

The Polish Government will not pursue the claim amounting to about £ 3 million (three million pounds sterling) against the United Kingdom Government referred to during the discussions in November 1950 of the Anglo-Polish *ad hoc* Committee on Non-political Matters.

Article 10

(1) Any sums which, in accordance with article 15 of the Trade and Finance Agreement between the United Kingdom Government and the Polish Government, signed in Warsaw on 14th January, 1949, are payable to the National Bank of Poland No. 3 Account shall, as from the date of coming into force of the present Agreement, be paid by the Polish Government to the United Kingdom Government.

(2) The sums payable to the United Kingdom Government in accordance with paragraph (1) of this article shall be the amounts remaining after deduction of the legal expenses incurred in the United Kingdom in realising the assets which have been released from control by the Custodian of Enemy Property, under the provisions of the Agreement between the United Kingdom Government and the Polish Government relating to Money and Property subjected to Special Measures since 1st September, 1939, signed in Warsaw on 14th January, 1949.¹ The Polish Government shall, if so requested by the United Kingdom Government, furnish particulars of the legal expenses deducted.

Article 11

Any provisions of—

- (a) the Minute concerning compensation for British interests affected by the Polish Law of 3rd January, 1946, regarding the taking over by the State of the basic branches of the national economy, signed in Warsaw on 31st October, 1947;²
- (b) the Trade and Finance Agreement between the United Kingdom Government and the Polish Government, signed in Warsaw on 14th January, 1949; and
- (c) the Agreement between the United Kingdom Government and the Polish Government relating to Money and Property subjected to Special Measures since 1st September, 1939, signed in Warsaw on 14th January, 1949,

which are contrary to, or inconsistent with, the provisions of the present Agreement shall be regarded as no longer in force.

¹ United Nations, *Treaty Series*, Vol. 83, p. 51.

² United Kingdom: "*Treaty Series No. 23 (1948)*", Cmd. 7403.

Article 12

The present Agreement shall come into force on the date of signature thereof.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement and affixed thereto their seals.

DONE in duplicate in Warsaw this eleventh of November, nineteen hundred and fifty-four, in the English and Polish languages, both texts being equally authentic.

On behalf of the Government of Great Britain
and Northern Ireland :

[L.S.] A. N. NOBLE

On behalf of the Government of the Polish People's Republic :

[L.S.] M. KOTLICKI

SCHEDULE

1. Law of 3rd January, 1946, regarding the taking over by the State of the Basic Branches of the National Economy. (Law Journal of 1946, No. 3, Item 17.)
2. Decree of the Polish National Liberation Committee of 6th September, 1944, regarding the realisation of agrarian reform. (Law Journal of 1945, No. 3, Item 13.)
3. Decree of 28th November, 1945, regarding the taking over of certain landed property for the purpose of agrarian reform and agrarian resettlement. (Law Journal of 1945, No. 57, Item 321.)
4. Decree of the Polish National Liberation Committee of 12th December, 1944, regarding the taking over by the State of certain forests. (Law Journal of 1944, No. 15, Item 82.)
5. Decree of 26th October, 1945, regarding the ownership and use of sites in the area of the capital city of Warsaw. (Law Journal of 1945, No. 50, Item 279.)
6. Decree of 26th October, 1945, regarding the demolition and repair of buildings destroyed and damaged during the War. (Law Journal of 1947, No. 37, Item 181.)
7. Decree of 8th March, 1946, regarding abandoned property and property previously owned by German nationals. (Law Journal of 1946, No. 13, Item 87.)
8. Law of 8th January, 1951, regarding the taking over by the State of pharmacies. (Law Journal of 1951, No. 1, Item 1.)
9. Decree of 12th December, 1918, regarding compulsory State Administration. (Law Journal of 1918, No. 21, Item 67.)
10. Decree of 7th April, 1948, regarding the expropriation of estates occupied for the purpose of public use during the 1939-1945 War. (Law Journal of 1948, No. 20, Item 138.)

11. Decree of 26th April, 1949, regarding the acquisition and the transfer of real property required for the realisation of the National Economic Plans. (Law Journal of 1952, No. 4, Item 31.)

12. Law of 20th July, 1950, regarding the registration of machines and the purchase of industrial machines not in use. (Law Journal of 1950, No. 31, Item 285.)

13. Decree of 6th September, 1951, regarding the liquidation of deposits and liens deposited before 9th May, 1945, and also of all bills of exchange, cheques and other documents deposited before that date. (Law Journal of 1951, No. 47, Item 344.)

14. Law of 18th November, 1948, regarding the transfer of certain forests and other communal land to the State. (Law Journal of 1948, No. 57, Item 456.)

15. Decree of 3rd February, 1947, regarding the registration and cancellation of certain bearer bonds issued before 1st September, 1939. (Law Journal of 1948, No. 28, Item 190.)

16. Decree of 27th July, 1949, concerning the taking over by the State of rural property not in the possession of the owners situated in certain districts of the Voivodships of Bialystok, Lublin, Rzeszow and Cracow. (Law Journal of 1949, No. 46, Item 339.)

EXCHANGES OF NOTES

I

The President of the Polish Delegation to Her Majesty's Ambassador at Warsaw

[POLISH TEXT — TEXTE POLONAIS]

Warszawa, dnia 11 listopada 1954 r.

Ekscelencjo,

Mam zaszczyt powołać się na artykuł 1 (2) Układu z dnia dzisiejszego i stwierdzić, że kwoty £427.600 (czterysta dwadzieścia siedem tysięcy sześćset funtów szterlingów) i £107.400 (sto siedem tysięcy czterysta funtów szterlingów) tam wspomniane zostaną wpłacone przez Rząd Polski w związku z następującymi ofertami, dotyczącymi załatwienia szterlingowych długów obligacyjnych :

(a) 6 procent Pożyczka miasta Poznania z 1928 r.

Rząd Polski złożył ofertę towarzystwu Prudential Assurance Company, Limited, Holborn Bars, Londyn, E.C.1, które jest wyłącznym posiadaczem obligacji tej pożyczki, na następujących warunkach :

W następstwie zapłaty w dniu 1 grudnia 1956 r., przez Rząd Polski towarzystwu Prudential Assurance Company, Limited, £107.400 (sto siedem tysięcy czterysta funtów szterlingów) towarzystwo Prudential Assurance Company, Limited, wyda Rządowi Polskiemu obligacje 6 procent Pożyczki miasta Poznania z 1928 r., ogólnej nominalnej wartości £215.900 (dwieście piętnaście tysięcy dziewięćset funtów szterlingów) i zrezygnuje ze wszelkich roszczeń w stosunku do obligacji wspomnianej pożyczki wartości nominalnej £52.600 (pięćdziesiąt dwa tysiące sześćset funtów szterlingów), które były zdeponowane w byłym Państwowym Banku Rolnym w Warszawie.

Towarzystwo Prudential Assurance Company, Limited, przyjęło powyższą ofertę i zgodziło również, że wzajemne roszczenia i zobowiązania Rządu Polskiego i towarzystwa Prudential Assurance Company, Limited, wynikające z działalności ubezpieczeniowej, prowadzonej w Polsce przez towarzystwo Prudential Assurance Company i towarzystwo ubezpieczeniowe "Przezorność" należy uważać za załatwione.

*(b) Rzeczpospolita Polska 4 $\frac{1}{2}$ procent (poprzednio 7 procent)
Pożyczka Stabilizacyjna z 1927 r.*

Rząd Polski zawiadomił agentów fiskalnych, towarzystwo Lazard Brothers and Company Limited, 11, Old Broad Street, London, E. C. 2, że złoży ofertę posiadaczom obligacji transzy szterlingowej wyżej wspomnianej pożyczki na następujących warunkach :

Rząd Polski przeprowadzi za pośrednictwem towarzystwa Lazard Brothers and Company Limited w Londynie, począwszy od dnia 15 grudnia 1955 r. wykup 4 $\frac{1}{2}$ procent

obligacji transzy szterlingowej Pożyczki Stabilizacyjnej z 1927 r. po cenie równej 40 procent nominalnej wartości szterlingowej tych obligacji. Oferta ta, która jest ostateczna i nie będzie zmieniona, pozostaje w mocy do dnia 31 grudnia 1967 r.

Rząd Polski pragnie podkreślić, że warunki oferty wykupu obligacji Pożyczki Stabilizacyjnej są ostateczne, że w przyszłości nie przyzna lepszych warunków tym posiadaczom tych obligacji, którzy nie skorzystali z tej oferty i że nie będzie rozpatrywać żadnych innych propozycji co do załatwienia tej sprawy.

Zechce Pan przyjąć, &c.

M. KOTLICKI

[TRANSLATION¹ — TRADUCTION²]

Warsaw, November 11, 1954

Your Excellency,

I have the honour to refer to article 1 (2) of the Agreement of this day's date and to state that the sums of £427,600 (four hundred and twenty-seven thousand, six hundred pounds sterling) and £107,400 (one hundred and seven thousand, four hundred pounds sterling) mentioned therein will be paid by the Polish Government in connexion with the following offers of settlement in respect of sterling bonded debt :—

(a) *Municipality of Poznań 6 per cent. Loan, 1928*

The Polish Government have made an offer to the Prudential Assurance Company Limited, Holborn Bars, London, E.C.1, who are the sole holders of the bonds issued under this loan, on the following terms :—

In consideration of the payment on 1st December, 1956, by the Polish Government to the Prudential Assurance Company Limited of £107,400 (one hundred and seven thousand, four hundred pounds sterling) the Prudential Assurance Company Limited will surrender to the Polish Government the bonds of the Municipality of Poznań 6 Per Cent. Loan, 1928, of the total nominal value of £215,900 (two hundred and fifteen thousand, nine hundred pounds sterling) and will relinquish all claims in respect of bonds of nominal value of £52,600 (fifty-two thousand, six hundred pounds sterling) of the said loan which were deposited with the former State Agricultural Bank in Warsaw.

The Prudential Assurance Company Limited have accepted the above offer and have also agreed that the mutual claims and liabilities of the Polish Government and of the Prudential Assurance Company Limited arising out of the insurance activities carried on in Poland by the Prudential Assurance Company Limited and the Przewozność Insurance Company shall be deemed to be settled.

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.

(b) *Republic of Poland 4 1/2 per cent. (formerly 7 per cent.) Stabilisation Loan of 1927*

The Polish Government have notified the Fiscal Agents, Lazard Brothers and Company Limited, 11, Old Broad Street, London, E.C.2, that they will make an offer to the bondholders of the sterling tranche of the above-mentioned Loan on the following terms :—

The Polish Government will undertake to purchase on and after 15th December, 1955, through the agency of Lazard Brothers and Company Limited, London, the 4 1/2 per cent. bonds of the sterling tranche of the Stabilisation Loan 1927 at a price equal to 40 per cent. of the nominal sterling value of the bonds. This offer, which is final and will not be changed, will remain open until 31st December, 1967.

The Polish Government wish to emphasise that the terms of the offer to purchase the bonds of the Stabilisation Loan will be final ; that they will not grant better terms in the future to holders of those bonds who do not avail themselves of this offer ; and that they will not consider any other proposals for the settlement of this matter.

Please accept, &c.

M. KOTLICKI

II

Her Majesty's Ambassador at Warsaw to the President of the Polish Delegation

BRITISH EMBASSY

Warsaw, November 11, 1954

Your Excellency,

I have the honour to acknowledge the receipt of your note of this day's date of which the text is as follows :—

[See note I]

2. I have the honour to state that the United Kingdom Government have taken note of the action taken by the Polish Government in this matter.

I have, &c.

A. N. NOBLE

III

*Her Majesty's Ambassador at Warsaw to the President of the
Polish Delegation*

BRITISH EMBASSY

Warsaw, November 11, 1954

Your Excellency,

I have the honour to state that out of the sum of £ 2,800,000 (two million, eight hundred thousand pounds sterling) to be paid to the United Kingdom Government by the Polish Government under Article 1 (1) (b) of the Agreement of this day's date, there will be allocated as compensation in respect of debts, other than debts directly due from the Polish State and from Polish State enterprises, namely pre-war banking and commercial debts arising from contracts existing on 1st September, 1939, due to British nationals who were at the time ordinarily resident or ordinarily carrying on business in the United Kingdom from Polish debtors who were at the time ordinarily resident or ordinarily carrying on business in Polish territory—

- (a) £ 75,000 (seventy-five thousand pounds sterling) in respect of the banking debts ;
- (b) £ 75,000 (seventy-five thousand pounds sterling) in respect of the commercial debts.

2. I have the honour to suggest that the present note and your reply thereto shall be regarded as placing on record the manner in which this matter has been settled.

I have, &c.

A. N. NOBLE

IV

The President of the Polish Delegation to Her Majesty's Ambassador at Warsaw

[POLISH TEXT — TEXTE POLONAIS]

Warszawa, dnia 11 listopada 1954 r

Ekscelencjo,

Mam zaszczyt potwierdzić odbiór Pańskiej noty z dnia dzisiejszego, której tekst jest następujący :

Mam zaszczyt stwierdzić, że z sumy £ 2.800.000 (dwa miliony osiemset tysięcy funtów szterlingów), które mają być zapłacone Rządowi Zjednoczonego Królestwa przez Rząd Polski na podstawie artykułu 1 (1) (b) Układu z dnia dzisiejszego, zostanie

wydzielone jako odszkodowanie za długi inne niż długi bezpośrednio należne od Państwa Polskiego i od polskich przedsiębiorstw państwowych, a mianowicie za przedwojenne długi bankowe i handlowe, wynikające z umów istniejących w dniu 1 września 1939 r., należne obywatelom brytyjskim, którzy w tym czasie zwyczajnie zamieszkiwali lub zwyczajnie prowadzili interesy w Zjednoczonym Królestwie od dłużników polskich, którzy w tym czasie zwyczajnie zamieszkiwali lub zwyczajnie prowadzili interesy na terytorium Polski :

- (a) £ 75.000 (siedemdziesiąt pięć tysięcy funtów szterlingów) za długi bankowe;
- (b) £ 75.000 (siedemdziesiąt pięć tysięcy funtów szterlingów) za długi handlowe.

2. Mam zaszczyt zaproponować, aby niniejsza nota i Pańska odpowiedź na nią były uważane jako stwierdzenie sposobu załatwienia tej sprawy.

2. Stwierdzam w imieniu Rządu Polskiego, że propozycja wydzielenia odszkodowania w stosunku do przedwojennych długów bankowych i długów handlowych nie ma wpływu na ogólną sumę, jaka ma być zapłacona przez Rząd Polski zgodnie z artykułem 1 wymienionego wyżej Układu.

3. Mam zaszczyt potwierdzić, że Pańska nota i niniejsza odpowiedź będą uważane jako stwierdzenie sposobu załatwienia tej sprawy.

Zechce Pan przyjąć, &c.

M. KOTLICKI

[TRANSLATION¹ — TRADUCTION²]

Warsaw, November 11, 1954

Your Excellency,

I have the honour to acknowledge the receipt of your note of this day's date of which the text is as follows :—

[See note III]

2. I am to state on behalf of the Polish Government that the proposal for the allocation of compensation in respect of pre-war banking debts and commercial debts has no influence on the total sum to be paid by the Polish Government in accordance with article 1 of the aforesaid Agreement.

3. I have the honour to confirm that your note and the present reply shall be regarded as placing on record the manner in which this matter has been settled.

Please accept, &c.

M. KOTLICKI

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.

V

*Her Majesty's Ambassador at Warsaw to the President of the
Polish Delegation*

BRITISH EMBASSY

Warsaw, November 11, 1954

Your Excellency,

I have the honour to refer to article 3 of the Agreement of this day's date and to propose the following procedure for establishing the sterling amounts of the instalments mentioned in the said Article.

2. The United Kingdom Government will notify the Polish Government on or before 31st August in each year of the f.o.b. value in sterling of imports into the United Kingdom from Poland for the period of twelve months ending 30th June of the same year. For this purpose the f.o.b. value in sterling of imports into the United Kingdom from Poland shall be taken to be that recorded in the published accounts relating to the Trade and Navigation of the United Kingdom, less a deduction of 10 per cent.

3. The Polish Government will pay the United Kingdom Government on 30th November in each year a sum in sterling representing the appropriate percentage or percentages set out in article 3 of the Agreement of the sterling sum notified to them in accordance with paragraph 2 above, provided that—

(i) the sum due to be paid by the Polish Government to the United Kingdom Government on 30th November, 1955, shall be the balance remaining after provision has been made by the Polish Government for the offer to be made by them through Lazard Brothers and Company Limited, referred to in paragraph (b) of the Exchange of notes No. 1 of this day's date; and

(ii) the sum due to be paid by the Polish Government to the United Kingdom Government on 30th November, 1956, shall be the balance remaining after provision has been made by the Polish Government for the offer to the Prudential Assurance Company Limited, referred to in paragraph (a) of the Exchange of notes No. 1 of this day's date.

4. The sums referred to in paragraphs (a) and (b) of article 2 of the aforesaid Agreement shall be applied wholly to the settlement of debts and claims described in paragraph (1) of article 1 of that Agreement.

5. I have the honour to suggest that, if the procedure proposed is approved by the Polish Government, the present note and your reply to that effect should be regarded as placing on record the agreement of the two Governments in this matter.

I have, &c.

A. N. NOBLE

VI

The President of the Polish Delegation to Her Majesty's Ambassador at Warsaw

[POLISH TEXT — TEXTE POLONAIS]

Ekscelencjo,

Warszawa, dnia 11 listopada 1954r

Mam zaszczyt potwierdzić odbiór Pańskiej noty z dnia dzisiejszego, której tekst jest następujący :

Mam zaszczyt powołać się na artykuł 3 Układu z dnia dzisiejszego i zaproponować następujący tryb ustalania kwot szterlingowych rat wymienionych we wspomnianych artykułach :

2. Rząd Zjednoczonego Królestwa będzie podawał do wiadomości Rządowi Polskiemu w dniu 31 sierpnia lub przed tym dniem każdego roku, wartość f. o. b. w szterlingach importu z Polski do Zjednoczonego Królestwa za dwunastomiesięczny okres, kończący się dnia 30 czerwca tegoż roku.

W tym celu wartość f. o. b. w szterlingach importu z Polski do Zjednoczonego Królestwa będzie brana tak, jak jest podana w opublikowanych Zestawieniach dotyczących handlu i żeglugi Zjednoczonego Królestwa (Accounts relating to the Trade and Navigation of the United Kingdom) z potrąceniem 10 procent.

3. Rząd Polski będzie płacił Rządowi Zjednoczonego Królestwa : dnia 30 listopada każdego roku sumę w szterlingach reprezentującą odpowiedni procent lub procenty, wynikające z artykułu 3 Układu, sum szterlingowych podanych mu do wiadomości zgodnie z paragrafem 2 wyżej podanym, z tym że :

- (i) suma, która ma być zapłacona przez Rząd Polski Rządowi Zjednoczonego Królestwa w dniu 30 listopada 1955 r. będzie resztą pozostałą po wpłacie, jaka ma być dokonana przez Rząd Polski dla oferty, która ma być złożona za pośrednictwem towarzystwa Lazard Brothers and Company Limited, określonej w paragrafie (b) wymiany not Nr 1 z dnia dzisiejszego ; i
- (ii) suma, która ma być zapłacona przez Rząd Polski Rządowi Zjednoczonego Królestwa w dniu 30 listopada 1956 r., będzie resztą pozostałą po wpłacie, jaka ma być dokonana przez Rząd Polski dla oferty złożonej towarzystwu Prudential Assurance Company Limited, określonej w paragrafie (a) wymiany not Nr 1 z dnia dzisiejszego.

4. Sumy, określone w paragrafie (a) i (b) artykułu 2 wymienionego wyżej Układu, będą służyły w całości na zaspokojenie długów i roszczeń, określonych w paragrafie (1) artykułu 1 tego Układu.

Mam zaszczyt zaproponować, by w przypadku zaakceptowania przez Rząd Polski projektowanego trybu postępowania, niniejsza nota i Pańska odpowiedź w tym względzie były uważane jako stwierdzenie porozumienia obu Rządów w tej sprawie.

5. W odpowiedzi mam zaszczyt oznajmić, że Rząd Polski wyraził zgodę na tryb postępowania określony w tej notcie i że zgadza się, by ta nota i niniejsza odpowiedź stanowiły stwierdzenie porozumienia obu Rządów w tej sprawie.

Zechce Pan przyjąć, &c.

M. KOTLICKI

[TRANSLATION¹ — TRADUCTION²]

Warsaw, November 11, 1954

Your Excellency,

I have the honour to acknowledge the receipt of your note of this day's date of which the text is as follows :—

[See note V]

2. In reply, I have the honour to state that the procedure set out in that note is approved by the Polish Government and that they agree that that note and the present reply shall be regarded as placing on record the agreement of the two Governments in this matter.

Please accept, &c.

M. KOTLICKI

VII

The President of the Polish Delegation to Her Majesty's Ambassador at Warsaw

[POLISH TEXT — TEXTE POLONAIS]

Warszawa, dnia 11 listopada 1954 r

Ekscelencjo,

Oдноśnie roszczenia Tow. Henckel von Donnersmarck Beuthen Estates Limited, które było uważane przez Rząd Zjednoczonego Królestwa jako nadające się do odszkodowania w rozumieniu paragrafu 1 Protokołu dotyczącego odszkodowania za brytyjskie interesy dotknięte polską ustawą z dnia 3 stycznia 1946 r. podpisanego w Warszawie dnia 31 października 1947 r., mam zaszczyt stwierdzić, że Rząd Polski nie zamierza dokonać jakiegokolwiek zapłaty za to roszczenie ani obecnie ani kiedykolwiek, ponieważ jest to roszczenie z rodzaju, którego Rząd Polski nie uznaje, i dlatego jest ono wyłączone z zakresu Układu z dnia dzisiejszego.

¹ Zechce Pan przyjąć, &c.

M. KOTLICKI

¹ Translation by the Government of the United Kingdom.² Traduction du Gouvernement du Royaume-Uni.

[TRANSLATION¹ — TRADUCTION²]

Warsaw, November 11, 1954

Your Excellency,

With reference to the claim of the Henckel von Donnersmarck Beuthen Estates Limited, which was regarded by the United Kingdom Government as eligible for compensation within the meaning of paragraph 1 of the Minute concerning compensation for British interests affected by the Polish Law of 3rd January, 1946, signed in Warsaw on 31st October, 1947, I have the honour to state that the Polish Government do not intend to make any payment in respect of this claim now or at any time, because it is of a kind which the Polish Government does not recognise, and that it is therefore excluded from the scope of the Agreement of this day's date.

Please accept, &c.

M. KOTLICKI

VIII

*Her Majesty's Ambassador at Warsaw to the President of the
Polish Delegation*

BRITISH EMBASSY

Warsaw, November 11, 1954

Your Excellency,

I have the honour to acknowledge the receipt of your note of this day's date of which the text is as follows :—

[*See note VII*]

2. I am to state that the United Kingdom Government agree that in consequence of the attitude of the Polish Government the claim of the aforesaid Company is excluded from the scope of the Agreement.

I have, &c.

A. N. NOBLE

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.

IX

*Her Majesty's Ambassador at Warsaw to the President of the
Polish Delegation*

BRITISH EMBASSY

Warsaw, November 11, 1954

Your Excellency,

With reference to article 11 (a) of the Agreement of this day's date I have the honour to state that the United Kingdom Government understand that the provisions of article III 10 (b) and (c) of the Minute concerning compensation for British interests affected by the Polish Law of January 3, 1946, signed in Warsaw on October 31, 1947, are not contrary to, or inconsistent with, the provisions of the aforesaid Agreement.

2. I have the honour to suggest that the present note and your reply thereto shall be regarded as placing on record the understanding of the two Governments in this matter.

I have, &c.

A. N. NOBLE

X

The President of the Polish Delegation to Her Majesty's Ambassador at Warsaw

[POLISH TEXT — TEXTE POLONAIS]

Warszawa, dnia 11 listopada 1954 r

Ekscelencjo,

Mam zaszczyt potwierdzić odbiór Pańskiej noty z dnia dzisiejszego, której tekst jest następujący :

Powołując się na artykuł 11 (a) Układu z dnia dzisiejszego mam zaszczyt stwierdzić, że Rząd Zjednoczonego Królestwa rozumie, że postanowienia artykułu III 10 (b) i (c) Protokółu dotyczącego odszkodowania za brytyjskie interesy dotknięte polską ustawą z dnia 3 stycznia 1946 r., podpisanego w Warszawie w dniu 31 października 1947 r., nie są sprzeczne ani niezgodne z postanowieniami wyżej wspomnianego Układu.

Mam zaszczyt zaproponować, by niniejsza nota i Pańska odpowiedź na nią były uważane jako stwierdzenie porozumienia obu Rządów w tej sprawie.

Mam zaszczyt potwierdzić, że Pańska nota i niniejsza odpowiedź będą uważane jako stwierdzenie porozumienia Rządu Polskiego i Rządu Zjednoczonego Królestwa w tej sprawie.

Zechce Pan przyjąć, &c.

M. KOTLICKI

N° 2755

[TRANSLATION¹ — TRADUCTION²]

Warsaw, November 11, 1954

Your Excellency,

I have the honour to acknowledge the receipt of your Note of this day's date of which the text is as follows:—

[See note IX]

2. I have the honour to confirm that your Note and the present reply shall be regarded as placing on record the understanding of the Polish Government and the United Kingdom Government on this matter.

Please accept, &c.

M. KOTLICKI

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.