



Department for
Business, Energy
& Industrial Strategy

Date for final claims under the Enemy Property Payment Scheme and Baltic States Scheme

Consultation on date for final claims under
these Schemes

Closing date: 31 March 2022

Foreword by Arthur Harverd: Chairman of the Enemy Property Claims Assessment Panel

Since 1999, the Enemy Property Claims Assessment Panel (“the Panel”) has determined claims arising under the Enemy Property Payment Scheme and the Baltic States Scheme (“the Schemes”). After over 20 years, the Schemes are now inviting final claims to be submitted to the Panel for assessment. This consultation asks for views with respect to fixing an appropriate date by which such further claims should be submitted and the Schemes then closed.

The Schemes have been open significantly longer than was originally intended, having first been considered for closure in 2004.



The Schemes have been widely publicised across the world in the past, and we now receive only a small number of successful claims each year. However, we are aware that the decision to make a final call for new claims may affect those who may be unaware of the Schemes’ existence and have not previously sought compensation. We want to ensure that eligible claimants have the opportunity to apply. To this end, a further global notification process advertising the Schemes will be issued in parallel with this consultation. It will also invite responses to this consultation.

We have been deeply moved by the many family histories revealed in the claims that describe stories of infinite tragedy and suffering, coupled with remarkable fortitude, resilience, and courage. The compensation provides a sense of justice and closure and a recognition of the suffering that was experienced.

We thank the Secretary of State and his predecessors, Departmental officials and the EPCAP Secretariat for their support and assistance. We also pay tribute to the late Lord Archer of Sandwell QC who devised the Enemy Property Payments Scheme and was the Panel’s chairman for its first 12 years.

Foreword by Kwasi Kwarteng: Secretary of State for Business, Energy and Industrial Strategy

I am enormously proud of the contribution of the Schemes and the dedication of the Panel since its inception. Through their careful stewardship, the UK has been able to correct a historic injustice by compensating those whose assets were confiscated and were subsequently found to have suffered Nazi persecution.



I have taken advice from the independent Panel that the Schemes should invite final claims to be lodged following a further worldwide notification of the Schemes. This will allow final claims to be considered consistently, by the Panel which has been in post for over 20 years. I would like to thank the Panel for their continuing support and unrivalled expertise.

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General information

Why we are consulting

We are consulting to seek views on the final date by which claims should be submitted under the Enemy Property Payment Scheme and Baltic State Scheme (“the Schemes”), to enable final claims to be assessed.

The Schemes were established to compensate for the seizure of assets under the Trading with the Enemy Act 1939 (“the Act”) during the Second World War; and under the Baltic States Scheme where it is determined that the original asset owners resided in Estonia, Latvia or Lithuania, or suffered Nazi persecution.

After two decades of operation, the Enemy Property Payment Scheme now only receives a small number of successful claims each year. Since the previous worldwide notification in 2016 a further 24 claims have been lodged, an average of four per year. With the passage of time, the assessment of these claims is becoming increasingly difficult as family links become more distant and extended. There have been no claims for many years under the Baltic States Scheme, which has been running for more than 50 years.

It is thus considered that the Schemes have reached their natural conclusion. Similar compensation schemes in Europe ended over a decade ago. This consultation seeks views on the final date for claims to be submitted under the Schemes to allow such remaining claims to be assessed and the Schemes then to be wound down under the stewardship of the existing independent Panel.

Consultation details

Issued: 06 January 2022

Respond by: 31 March 2022

Enquiries to:

Samuel James
EPCAP Secretariat
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Email: epcap.secretariat@beis.gov.uk

Consultation reference: Date for final claims under the Enemy Property Payment Scheme and Baltic States Scheme

Audiences:

Anyone who may have a claim under the Schemes, being in the UK or abroad, including interested parties such as charities and communal and representative bodies. This includes Jewish organisations and community groups, including survivor and special interest organisations and the Ambassadors of the three Baltic states. Members of the Panel are being consulted for their views given their longstanding service.

Territorial extent:

Worldwide

How to respond

Response should be provided online where possible. Hard copy responses should be sent to the address below.

Respond online at: beisgovuk.citizenspace.com/strategy/enemy-property-payment-baltic-states-schemes

Email to: epcap.secretariat@beis.gov.uk

Write to:

Samuel James
EPCAP Secretariat
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

When responding, please state whether you are responding as an individual, agent, or representing the views of an organisation. Please state whether you consider that you may have a claim under the Schemes.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of those that have responded. But not people's Personal names, addresses or other contact details which will not be disclosed.

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

The proposals

Background and history of the Schemes

Following the passing of the Act at the outset of the Second World War the UK government confiscated any assets held in the UK and recorded as being owned by residents of enemy countries including the then Nazi Germany, Italy and Japan and territories occupied by them. This was to prevent such assets being used against the UK or its allies during the War. The confiscated assets were held under the control of a Custodian of Enemy Property, an official appointed by the then Department of Trade.

In the 1960s the UK government decided that individuals who were living in the Baltic States and had assets seized in the UK during the Second World War should also be compensated under the Act. This was called the Baltic States Scheme.

In 1999 following a review by Lord Archer of Sandwell QC the Enemy Property Payments Scheme was set up by the UK government. Its purpose was to pay compensation to those victims of Nazi persecution, or their heirs, whose financial assets in the UK had been sequestered at the outbreak of war under the Act and had not been returned to them by the Custodian or by a government acting on their behalf in full after the end of hostilities.

The Schemes are briefly described as follows:

Enemy Property Payment Scheme

Under this Scheme the criterion for eligibility for compensation is that either the person who was the owner of the UK asset at the time it was confiscated by the UK government or the claimant (who must prove his or her relationship to such owner) must have suffered Nazi persecution, either through discriminatory legislation or action in pursuance of de facto state policy taken by the relevant enemy state. Where a claim is successful the compensation paid is the sum originally confiscated (taking into account any amount already released to the original owner or heir) multiplied by the UK Retail Price Index since the date of confiscation.

Baltic States Scheme

This Scheme applies to residents of Estonia, Latvia and Lithuania who had deposited assets in the UK before the War.

Where the original owner or the claimant suffered Nazi persecution and the claim is successful the compensation paid is calculated on the same basis as successful claims under the Enemy Property Payment Scheme i.e. the compensation paid is the sum originally confiscated multiplied by the UK Retail Price Index since the date of confiscation. The Baltic States Scheme has one additional feature in that it does not require the original owner or the claimant to have been a victim of Nazi persecution as an essential criterion to receive compensation, provided that the claimant is the heir of the original owner. In such cases the compensation paid is restricted to the original amount that had been confiscated, without any inflation uplift.

Examination of claims

Both Schemes are currently administered by the independent Panel established in 1999, whose role is to consider and determine the claims. There is also an independent appeals adjudicator, who hears appeals against decisions reached by the Panel. The Department of Business, Energy and Industrial Strategy provide a Secretariat to the Panel.

Each claim is subject to careful and sympathetic examination by the Panel. The Panel bears in mind the difficulties of proving a claim after the destruction of records caused by the Second World War and the Holocaust and the period that has elapsed since the property was confiscated.

Closure of the Schemes

The Schemes were not intended to continue indefinitely as it was originally intended that all claims would be submitted at the same time to allow the Panel to consider duplicate or competing claims. They were implemented to compensate those directly affected (or their immediate descendants) by the Act and, in the case of the Enemy Property Payment Scheme, Nazi persecution. These events took place nearly 80 years ago.

The Enemy Property Payment Scheme has now been running for over 20 years. In recent years the number of claims has significantly reduced. In recent years there has been an average of four claims lodged each year with a small minority being successful. This compares to around 950 claims made in 1999 when the Scheme was first opened. A 2016 worldwide invitation for eligible claimants to apply for compensation did not result in a significant increase in the number of successful claims. Please see annexes for breakdown of claims received.

The Baltic States scheme has been functioning for over 50 years and no claims have been made under it since 2013. In some cases, claims lodged under the Enemy Property Payment Scheme are compensated under the Baltic States Scheme where Nazi persecution is not found.

Given the passage of time since the Second World War, claims under the Schemes have moved down the generations and often to distant relatives. This goes beyond the intention of the Schemes to compensate those who were directly affected. It also increases the complexity of claims, requiring the Panel to assess the claimant's entitlement under inheritance, often through a series of wills. The Schemes were not designed to adjudicate complicated cases involving multiple inheritances.

The passage of time also affects the quality of the evidence available to assess the claims, as first-hand recollections are no longer available.

Compensation under the Schemes was intended for persons directly affected by the Act or their close heirs. However, most new claims are not now received directly from individual claimants, but from organisations that seek to connect often distant or indirect descendants. We understand that in some cases these organisations take a substantial percentage of any

compensation recovered under these claims to mitigate the cost of researching unsuccessful claims. The Department recognises the effort of third-party organisations, which has assisted the identification of potential claimants.

The Panel has now been acting for more than 20 years and considers that the Schemes have reached their natural conclusion. The Panel has significant experience in assessing these claims over this period and their expertise cannot be easily replaced. If the Schemes were to be continued suitable new assessors would need to be found.

Given the limited number of successful current claims the Schemes are therefore drawing to a natural close. The decision has been taken to invite final closing claims. This consultation is to request views as to the appropriate date that should be allowed for final claims to be submitted.

Dates for final claims under the Schemes

We want to ensure that enough time is granted for eligible claimants to apply under the Schemes prior to their closure. We therefore invite views as to the dates for final claims to be lodged.

We recognise that eligible claimants will need sufficient time to gather evidence to support their claim, noting that claimants may also have an opportunity to provide additional evidence following Panel review and scrutiny if requested by the Panel. We are also conscious that claimants may be applying from outside the UK, which may mean that they require more time to submit their claim.

Set against this is the need to allow sufficient time for the claims to be determined before the Schemes are wound up. The current Panel cannot operate indefinitely, and their skills and expertise cannot be easily replicated, and therefore it is considered that all final claims should be dealt with by the existing Panel to ensure fairness and consistency. It would be disproportionate to appoint new assessors for future claims given the expertise required and the small number of successful claims. The date for the submission of final claims cannot therefore be delayed for a lengthy period. Following the decision to close the Schemes there needs to be an orderly winding down and the final date for claims must take into account that the determination of these claims may take a further twelve months.

As the Panel will continue to accept new claims throughout the consultation period, it is considered nine months from the issuing of this consultation (06 January 2022) would be appropriate to allow for final claims to be evidenced and submitted. There is a period of assessment after submission which will allow further time to provide evidence supporting the claims where necessary. All claims received by the final date will be dealt with through to conclusion.

Balancing these factors, we are proposing that the final date for submitting claims under either Scheme should be 09 September 2022; nine months from the date of issuing this consultation.

Question 1

Do you consider that 09 September 2022 would allow sufficient time to make a claim under the Schemes? Please provide your reasons. Please indicate in your response whether you consider you may be eligible to claim or if you are responding on behalf of someone who may be eligible to claim.

Question 2

If you do not consider that 09 September 2022 would allow sufficient time to make a claim under the Schemes, what alternative date would you suggest for final claims under the Schemes? Please provide your reasons.

Question 3

Are you aware of any disruption caused by COVID-19 that would affect a claimant's ability to submit a claim by 09 September 2022 or the time you have proposed in response to question 2? Please provide details.

We are aware that COVID-19 has caused disruption and may have affected the ability of some claimants to access evidence or services, for instance through the closure of archives.

Question 4

Are there any other matters that you consider we should be aware of when making a decision about the date for final claims under the Schemes?

Claims made during the consultation period

We welcome receiving new claims submitted during this consultation period. To ensure that the Schemes are publicised as widely as possible before their closure we will be sending out another worldwide invitation for eligible claimants to apply under the Schemes, similar to that sent in 2016.

Please contact the EPCAP Secretariat for further advice, including claim forms

epcap.secretariat@beis.gov.uk

Consultation questions

- 1. Do you consider that 09 September 2022 would allow sufficient time to make a claim under the Schemes? Please provide your reasons. Please indicate in your response whether you consider you may be eligible to claim or if you are responding on behalf of someone who may be eligible to claim.**
- 2. If you do not consider that 09 September 2022 would allow sufficient time to make a claim under the Schemes, what alternative date would you suggest for final claims under the Schemes? Please provide your reasons.**
- 3. Are you aware of any disruption caused by COVID-19 that would affect a claimant's ability to submit a claim by 09 September 2022 or the time you have proposed in response to question 2? Please provide details.**
- 4. Are there any other matters that you consider we should be aware of when making a decision about the date for final claims under the Schemes?**

Next steps

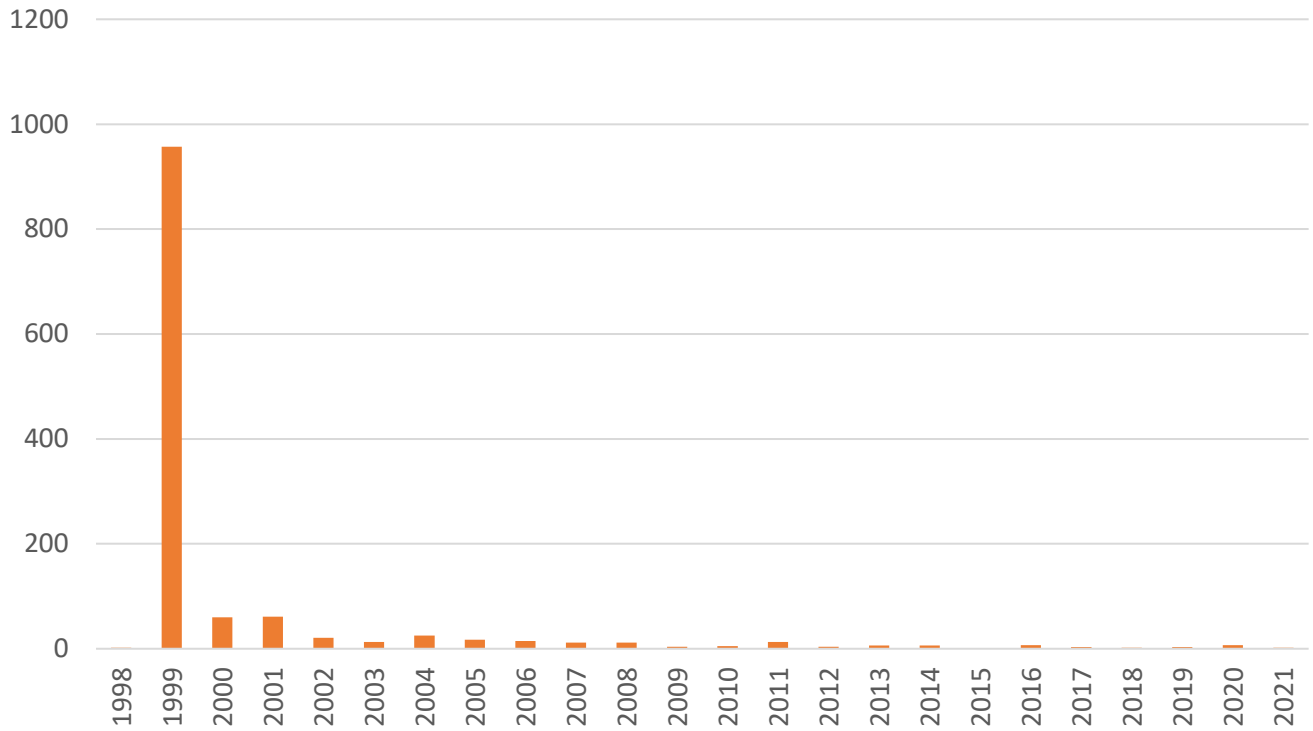
Consultation responses will be reviewed by the Secretariat supporting the administration of the Schemes in conjunction with the independent EPCAP Panel, who will provide further advice to the Secretary of State for Business, Energy and Industrial Strategy.

We expect to publish the response to this consultation within 4 weeks of the close of consultation.

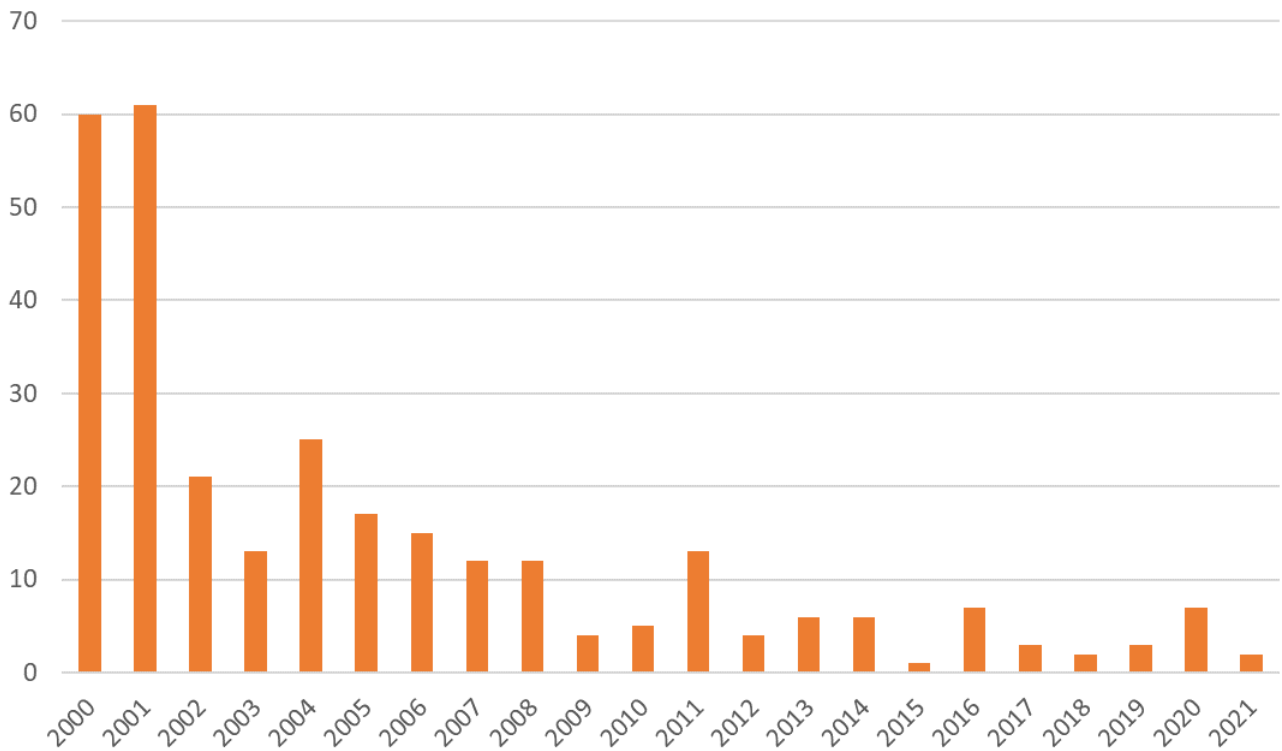
We welcome new claims for the duration of this consultation to allow for the orderly wind down of the Schemes. Please contact the EPCAP Secretariat for further advice including claim forms epcap.secretariat@beis.gov.uk

Annexes

A. Total claims received by the Enemy Property Claims Assessment Panel (1998 to 2021)



B. Total claims received by the Enemy Property Claims Assessment Panel (2000 to 2021)



This consultation is available from: www.gov.uk/government/consultations/enemy-property-and-baltic-states-schemes-date-for-final-claims

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.