PART II

The Agents General for the states of Australia.

PART III

Offices

The Assistant Trade Commissioner for South Australia.
The Secretary to the Agent General for South Australia.

Class of Office

Official Secretaries to the Agents General for the states of Australia.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order confers on persons for the time being holding any of the offices or classes of offices described in the Schedule to the Order the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power, and restricts powers of entry into the official premises of such persons.

DISTRIBUTION OF GERMAN ENEMY PROPERTY

1952 No. 633

The Distribution of German Enemy Property (No. 2) (Consolidated Amendment) Order, 1952

Made - - - -	*24th March,* 1952
Laid before Parliament	*25th March,* 1952
Coming into Operation	*28th March,* 1952

At the Court at Clarence House, the 24th day of March, 1952

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, in pursuance of Sections 1 and 5 (1) of the Distribution of German Enemy Property Act, 1949(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Distribution of German Enemy Property (No. 2) (Consolidated Amendment) Order, 1952.

(2) This Order shall come into operation on the 28th day of March, 1952.

(3) The Interpretation Act, 1889(b) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 12, 13 & 14 Geo. 6. c. 85.
(b) 52 & 53 Vict. c. 63.

2. The Distribution of German Enemy Property (No. 2) Order, 1951(a), as varied(b), shall be varied as follows :—

(1) In Article 2 (which contains certain definitions)—

(*a*) after paragraph (1) (*c*) (iii) (which contains the definition of "British person") there shall be inserted the following sub-paragraph:—

"(iv) the personal representatives of any British subject, citizen of the Republic of Ireland or British protected person who died on or after the 3rd day of September, 1939, and before the relevant time and who was resident or carrying on business in the United Kingdom at the date of his death;";

(*b*) for paragraph (1) (*f*) (which contains the definition of "relevant time") there shall be substituted the following paragraph:—

"(*f*) 'relevant time' means on the 7th day of November, 1951, or, if the debt in respect of which the claim is made has been discharged between the passing of the Act and the said date, immediately before its discharge;";

(*c*) after paragraph (1) there shall be inserted the following paragraph:—

"(1A) In the application of paragraph (1) (*c*) (iv) to the Channel Islands the reference to personal representatives shall be construed as a reference to the persons charged with the administration of the estate.".

(2) In Article 3 (which sets out the excluded claims)—

(*a*) for paragraphs (*a*) and (*b*) there shall be substituted the following paragraphs—

"(*a*) to any claim in respect of a German enemy debt unless (in addition to the conditions prescribed in Section 8 (1) of the Act) at the relevant time that debt, or the balance thereof then outstanding, was due to a British person;

(*b*) to any claim in respect of a German enemy debt (other than a claim in respect of any bond described in Section 8 (1) (*b*) of the Act) if at the relevant time that debt, or the balance thereof then outstanding, was due to a company incorporated in the United Kingdom whose activities in the United Kingdom on the 3rd day of September, 1939, were confined to complying with the requirements of the Companies Act, 1929(c) (or of the corresponding enactments then in force in Northern Ireland, the Channel Islands or the Isle of Man, as the case may be), and to distributing profits earned abroad;";

(*b*) after paragraph (*i*) there shall be inserted the following paragraph—

"(*j*) to any claim arising out of a bond except by the owner of the bond.".

(a) S.I. 1951/1899; 1951 I, p. 517. (b) S.I. 1951/1943; 1951 I, p. 524.
(c) 19 & 20 Geo. 5. c. 23.

(3) In Article 4 (which provides for the making of claims), for paragraphs (1) and (1A) there shall be substituted the following paragraphs:—

"(1) Claims for payment under this Order may be made only by the person to whom the German enemy debt giving rise to the claim, or the balance thereof then outstanding, was due at the relevant time or by an insurer who at the relevant time was entitled by subrogation to enforce payment thereof:

Provided that in the event of the death, bankruptcy, winding-up, mental incapacity, or absence from the United Kingdom of any such person or insurer as aforesaid the claim may be made by any person authorised by him in that behalf or by any person entitled to deal with his property.

(1A) (*a*) Where a German enemy debt, or the balance thereof outstanding at the date of sale, together with the right to make a claim in respect thereof under this Order, is sold after the relevant time, the Administrator may accept a claim made in accordance with the following provisions of this Article from the purchaser, or any subsequent purchaser, instead of from a person mentioned in paragraph (1) of this Article:

Provided that, in the event of the death, bankruptcy, winding-up, mental incapacity or absence from the United Kingdom of any such purchaser, the claim may be accepted from any person authorised by the purchaser in that behalf or from any person entitled to deal with his property.

(*b*) The person from whom a claim is accepted under the foregoing provisions of this paragraph shall be deemed to be the claimant in relation to the German enemy debt in question.".

3. The Distribution of German Enemy Property (No. 2) (Amendment) Order, 1951(**a**) is hereby revoked.

F. J. Fernau.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Distribution of German Enemy Property (No. 2) Order, 1951 (S.I. 1951, No. 1899) in the following respects:—

(*a*) To permit a claim in respect of a German enemy debt due at the relevant time to the estate of a deceased British person irrespective of the nationality and residence of the personal representatives (Article 2 (1) (*a*));

(*b*) to deal with the case where a German enemy debt was partly, but not wholly, discharged between the 16th December, 1949 and the 7th November, 1951, with the result that only the balance of the German enemy debt was due on the 7th November, 1951 (the relevant time) (Article 2 (2) (*a*) and (3));

(*c*) to exclude a claim arising out of a bond, except by the owner of the bond (Article 2 (2) (*b*)).

The Order also incorporates the amendments made in the (No. 2) Order by the Distribution of German Enemy Property (No. 2) (Amendment) Order, 1951 (S.I. 1951 No. 1943), which is now revoked.

(**a**) S.I. 1951/1943; 1951 I, p. 524.