DISTRIBUTION OF GERMAN ENEMY PROPERTY

1957 No. 1525

The Distribution of German Enemy Property (No. 3) Order, 1957

Made - - - -	*23rd August*, 1957
Laid before Parliament	*29th August*, 1957
Coming into Operation	*2nd September*, 1957

At the Court at Balmoral, the 23rd day of August, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas there remain in the hands of the Administrator of German Enemy Property appointed under the Distribution of German Enemy Property (No. 1) Order, 1950(a) (hereinafter referred to as "the Administrator") certain proceeds of German enemy property which it is not practicable to distribute to persons whose claims in respect of German enemy property have been established and it will likewise be impracticable to distribute to such persons as aforesaid any further proceeds of German enemy property which may from time to time come into the hands of the Administrator:

Now, therefore, Her Majesty, in pursuance of paragraph (*g*) of subsection (2) of Section 1 of the Distribution of German Enemy Property Act, 1949(b), (hereinafter referred to as "the Act"), 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. 3) Order, 1957.

(2) This Order shall come into operation on the 2nd day of September, 1957.

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

2. The Administrator, acting under a general or special direction of the Board of Trade, shall from time to time out of the proceeds of German enemy property pay sums not exceeding in the aggregate £250,000 to the Trustees of a Charitable Trust constituted by a Declaration of Trust dated the 2nd day of August, 1957, which is set out in the Schedule to this Order.

3. When sums amounting in the aggregate to £250,000 have been paid as provided for by Article 2 hereof, the Administrator, acting under a general or special direction of the Board of Trade, shall, subject to the provisions of subsections (6) and (7) of Section 1 and to Sections 3 and 4 of the Act, from time to time pay the proceeds of German enemy property into the Exchequer.

W. G. Agnew.

(a) S.I. 1950/1642 (1950 I, p. 543). (b) 12, 13 & 14 Geo. 6. c. 85.
(c) 52 & 53 Vict. c. 63.

THE SCHEDULE

THIS DECLARATION OF TRUST is made the second day of August One thousand nine hundred and fifty seven by SIR FRED ELLIS PRITCHARD Knight Member of the Most Excellent Order of the British Empire of 18 Hanover House St. John's Wood in the County of London MISS BERTHA LILIAN BRACEY Officer of the Most Excellent Order of the British Empire Bachelor of Arts of 12 Denning Road Hampstead in the County aforesaid BARNETT JANNER Esquire Doctor of Laws Member of Parliament of 69 Albert Hall Mansions Kensington in the County aforesaid LEONARD GOLDSMID MONTEFIORE Esquire Officer of the Most Excellent Order of the British Empire of 37 Weymouth Street Marylebone in the County aforesaid HARRY SACHER Esquire of 37 Grosvenor Square Baker Street in the County aforesaid (hereinafter called " the Trustees " which expression shall where the context herein permits mean and include the Trustees or Trustee hereof for the time being)

WHEREAS

(*a*) Section 1 of the Distribution of German Enemy Property Act 1949 provides (inter alia) that Her Majesty may by Order in Council dispose of any sums in the hands of the Administrator of German Enemy Property which for any reason it is not practicable to distribute to the persons whose claims in respect of German enemy debts have been established for the purposes in the said Section mentioned

(*b*) It is desired to establish a charitable trust for the application of any sums which may be disposed of for charitable purposes under an Order in Council made pursuant to the power hereinbefore recited

(*c*) For the purpose of declaring the trusts powers and provisions upon with and subject to which all such sums as aforesaid (as well as any other moneys or property which may at any time be paid or transferred to the Trustees to the intent that the same shall be held upon with and subject to the same trusts powers and provisions) shall be held the Trustees have agreed to execute these presents

NOW THIS DEED WITNESSETH and it is hereby DECLARED as follows:—

1. The Trustees shall stand possessed of all sums to be so paid to them as aforesaid by the said Administrator and of all other moneys and property which may from time to time be paid or transferred to them to the intent that they should hold the same upon the trusts hereof Upon Trust so far as any such property shall not consist of money or of any investment hereby authorised for the investment of trust moneys to sell call in or convert such property into money and to invest the proceeds of such sale calling in and conversion and all other such moneys as are hereinafter mentioned in any of the investments hereinafter authorised with power for the Trustees at their discretion to transpose or vary any such investments for or into others of a nature hereby authorised all of which said moneys properties and investments and the moneys and investments from time to time representing the same are hereinafter referred to as " the Trust Fund ".

2. The Trustees shall stand possessed of the Trust Fund upon Trust in the first place to pay out of the income or if and so far as the Trustees shall think fit out of the capital thereof all costs and expenses of and incidental to the execution of the trusts of these presents including the costs of and incidental to the preparation execution and stamping of these presents and subject thereto Upon Trust to apply the income of the Trust Fund and as and when they shall think fit all or any part or parts of the capital thereof for or towards any one or more of the following purposes (but so that no part of such income or capital shall at any time be applied otherwise than for charitable purposes) that is to say, for the relief of the poverty or for the advancement of the education or otherwise for the assistance of any persons who during any such period as is hereinafter mentioned may have suffered persecution on racial religious or political

grounds in any country in the Continent of Europe then under the sovereignty or in the occupation of any Power with whom His late Majesty King George the Sixth may have been at war that is to say—

(*a*) in Germany (as constituted on the 1st day of March 1938) between the 1st day of July 1932 and the 8th day of May 1945

(*b*) in Austria between the 13th day of March 1938 and the 8th day of May 1945

(*c*) in Czechoslovakia between the 1st day of November 1938 and the 8th day of May 1945

(*d*) in any other country between the 3rd day of September 1939 and the 8th day of May 1945

or of the children or grandchildren (whether legitimate or illegitimate) spouse parents brothers or sisters of any such person as aforesaid who may have died but so that only persons who are for the time being in the opinion of the Trustees in need of assistance shall be eligible to benefit hereunder.

3. The Trustees shall have power to determine upon such evidence as they may think fit whether any person suffered persecution as aforesaid.

4. The Trustees may if they think fit make payments from time to time out of the said income or capital for any of such purposes as aforesaid to any other persons or body engaged in the pursuit of such purposes or any of them and in any such case the Trustees shall not be bound to see to the application of such payments.

5. The Trustees may from time time make vary and rescind such regulations (not being inconsistent with these presents) as they may think fit for regulating their own meetings and the proceedings thereat and generally in relation to the execution of the trusts hereof.

6.—(*a*) The President of the Board of Trade for the time being shall be entitled from time to time to appoint by writing any one of the Trustees to act as Chairman of the meetings of the Trustees and may determine how long he shall be entitled to retain that office and may by writing remove any Chairman so appointed.

(*b*) Any person so appointed Chairman as aforesaid shall while he retains that office be entitled to preside at every meeting of the Trustees at which he is present.

(*c*) At any meeting of the Trustees at which the Chairman of the Trustees for the time being shall not be present and willing to preside within ten minutes after the time fixed for holding the meeting the Trustees present shall choose one of their own number to act as chairman of the meeting.

7. The Trustees shall meet at least once in every consecutive period of six months commencing from the date hereof and all matters to be decided by the Trustees shall be decided by the majority of the Trustees present and voting in respect thereof at a meeting of the Trustees duly convened and held Provided always that

(i) in the event of an equality of votes the chairman of the meeting shall be entitled to a second or casting vote and

(ii) a resolution in writing signed by all the Trustees shall have the same effect as a resolution duly passed at a meeting of the Trustees.

8. The quorum for a meeting of the Trustees shall be three Trustees present thereat.

9. The first meeting of the Trustees shall be held within three months after the date hereof at such time and place as shall be determined by the said Fred Ellis Pritchard or failing him by the said Barnett Janner of which not less than 21 days written notice shall be given to all the other Trustees.

10. The Trustees shall have power to employ such officers, servants and agents and upon such terms and at such remuneration as they may from time to time think fit.

11. The Trustees shall not later than the 31st day of March in any year deliver to the President of the Board of Trade for the time being a report on the affairs of the trust hereby established during the twelve months ended at the last preceding 31st day of December together with accounts of the Trust Fund and the income thereof and of all dealings with and applications of the same during the said period of twelve months.

12. If at any time the Trustees shall be of opinion that there is no longer any likelihood of there being in existence any persons qualified to benefit under the foregoing trusts hereof or they shall be otherwise of opinion that the foregoing trusts hereof are no longer capable of serving any useful purpose the Trustees shall apply so much of the Trust Fund and the income thereof as shall not have been expended under the foregoing trusts hereof to such other charitable purposes as the Trustees shall determine.

13. Trust moneys requiring to be invested hereunder may be invested at the discretion of the Trustees in or upon any investment authorised by paragraph 21 (5) of the Third Schedule to the Coal Act 1938 for the investment of money, representing compensation payable under the last mentioned Act and attributable to an estate vested in trustees on charitable trust but so that no investment shall be made in or upon any stocks shares or securities which are not dealt in on the Stock Exchange London.

14. The power of appointing new or additional trustees hereof shall be vested in the President of the Board of Trade for the time being.

IN WITNESS whereof the said parties hereto have hereunto set their respective hands and seals the day and year first above written.

SIGNED SEALED AND DELIVERED by the above named FRED ELLIS PRITCHARD in the presence of:— } (Sgd.) *Fred E. Pritchard* (*Seal*)

(Sgd.) *Nancy M. P. Keeble,*
Civil Servant,
Board of Trade,
Horse Guards Avenue,
London, S.W.1.

SIGNED SEALED AND DELIVERED by the above named BERTHA LILIAN BRACEY in the presence of:— } (Sgd.) *Bertha L. Bracey* (*Seal*)

(Sgd.) *Nancy M. P. Keeble,*
Civil Servant,
Board of Trade,
Horse Guards Avenue,
London, S.W.1.

SIGNED SEALED AND DELIVERED by the above named BARNETT JANNER in the presence of:— } (Sgd.) *Barnett Janner* (*Seal*)

(Sgd.) *Nancy M. P. Keeble,*
Civil Servant,
Board of Trade,
Horse Guards Avenue,
London, S.W.1.

SIGNED SEALED AND DELIVERED by the above named LEONARD GOLDSMID MONTEFIORE in the presence of:— } (Sgd.) *Leonard G. Montefiore* (*Seal*)

(Sgd.) *Nancy M. P. Keeble,*
Civil Servant,
Board of Trade,
Horse Guards Avenue,
London, S.W.1.

SIGNED SEALED AND DELIVERED by the above named HARRY SACHER in the presence of:— } (Sgd.) *Harry Sacher* (*Seal*)

(Sgd.) *Nancy M. P. Keeble,*
Civil Servant,
Board of Trade,
Horse Guards Avenue,
London, S.W.1.

EXPLANATORY NOTE

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

The Distribution of German Enemy Property Act, 1949, empowers the Administrator of German Enemy Property appointed thereunder to distribute the proceeds of German enemy property to certain classes of British pre-war creditors of Germany. The Act also enables provision to be made by Order in Council for the disposal of sums in the Administrator's hands which it is not practicable to distribute to these creditors. There are such sums in the hands of the Administrator and this Order enables the Board of Trade to direct the Administrator to pay therefrom amounts not exceeding £250,000 to a charitable trust established for the purpose of helping the victims of enemy oppression during the War and to pay the balance to the Exchequer.