2ND SCH. —*cont.*

investigation and report on the reference as varied shall be made either by that group or by another group or by the Commission as the chairman may direct.

5. Without prejudice to the generality of paragraph 1 of this Schedule, section seven of the principal Act (which prescribes the duties of the Commission on a reference) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission.

6. Section eight of the principal Act (which contains provision as to the procedure and powers of the Commission on a reference) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission:

Provided that the functions of the group under the said section eight shall be exercised subject to any specific or general directions which may from time to time be given by the Commission and subject to any general direction given to the Commission by the Board of Trade under subsection (6) of the said section eight.

7. Section seventeen of the principal Act (which contains restrictions on disclosure of information) shall apply as if references therein to the Commission included references to a group acting in pursuance of section two of this Act.

8. Subsection (3) of section twenty of the principal Act (which provides for the Commission's applying such criteria as appear to them most suitable in all the circumstances for determining whether goods amount to at least one-third of all goods of a given description) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission.

CHAPTER 52

Enemy Property Act, 1953

ARRANGEMENT OF SECTIONS

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An Act to make provision as respects things done, in relation to enemy property or property treated as enemy property, in excess of the powers conferred by the law relating to trading with the enemy, and as respects income from moneys invested by custodians of enemy property; as respects copyrights, rights in inventions and designs, and other rights in or in connection with which German enemy interests subsisted, or were properly treated as subsisting, during the period of the war with Germany, as respects property allocated by way of reparation from Germany and as respects other property seized from Germany; and for purposes connected with the matters aforesaid.

[29th October 1953.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

GENERAL PROVISIONS AS TO ENEMY PROPERTY AND PROPERTY TREATED AS ENEMY PROPERTY

Circumstances in which ss. 2 and 3 are to apply.

1.—(1) The two next following sections shall have effect as respects the making or withholding of payments as therein mentioned, and as respects other dealings with property as therein mentioned, at a time within the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the passing of this Act, where the payment was so made or withheld, or the property was so dealt with, either—

(*a*) by a competent authority acting in good faith and purporting to act under the Trading with the Enemy Act, 1939 (hereinafter referred to as " the Act of 1939 ") or orders made thereunder, or by such an authority acting in good faith and with intent to give effect, so far as practicable, to the purposes of section seven of that Act (which relates to the collection of enemy debts and custody of enemy property) or to prevent that Act from being contravened, or

PART I —*cont.*

(*b*) by any person acting in good faith and in purported compliance with a restriction or obligation imposed by or under the Act of 1939, or

(*c*) by any person acting in good faith and in pursuance of a direction or request given or made by a competent authority purporting to act under the Act of 1939 or orders made thereunder, or given or made by a competent authority acting with such an intent as is mentioned in paragraph (*a*) of this subsection.

(2) For the purposes of those sections anything done by a competent authority, or by any person in purported compliance with a restriction or obligation imposed by or under the Act of 1939 or in pursuance of a direction or request of a competent authority, shall be deemed to have been done in good faith unless the contrary is proved.

Provisions as to making of certain payments and withholding of payments.

2.—(1) Where at a time within the period mentioned in the foregoing section—

(*a*) a payment was made by or on behalf of any person to a competent authority, or

(*b*) a payment was withheld (whether by way of refusal or of omission to make the payment) by or on behalf of any person, or

(*c*) a payment was made by a competent authority to or for the benefit of a person as being the person who, but for the Act of 1939 or any order made thereunder, would have been entitled thereto,

then, if the payment was made or withheld in the circumstances specified in paragraph (*a*), (*b*) or (*c*) of subsection (1) of the foregoing section, it shall be deemed to have been authorised by the Act of 1939 notwithstanding that apart from this section it was not so authorised, and, in the case of a payment made as mentioned in paragraph (*a*) of this subsection, the making thereof shall be deemed to have operated, so far as the amount thereof extended, as a release of the person by or on whose behalf it was made.

(2) Where, in the case of a payment made as mentioned in paragraph (*a*) or (*c*) of the last foregoing subsection, the payment (apart from that subsection) was not authorised by or under the Act of 1939—

(*a*) if the payment was a payment to a competent authority as mentioned in the said paragraph (*a*), nothing in that subsection shall be construed as preventing that authority from paying the amount thereof, or any part of that amount, to or for the benefit of any person to or for whose benefit the amount or part could lawfully have been paid apart from this section;

PART I —*cont.*

(*b*) if the payment was a payment by a competent authority as mentioned in the said paragraph (*c*), nothing in that subsection shall prevent that authority from exercising any right of recovery in respect of the payment, being a right exercisable apart from this section.

Provisions as to other dealings with property.

3.—(1) Where at a time within the period mentioned in section one of this Act any property was dealt with in any way other than the making or withholding of a payment as mentioned in the last foregoing section, and, whether by reason that the property was not enemy property at that time or for any other reason, the person who so dealt with the property was not empowered, as against all persons interested in the property, to deal with it in that way, then, if the property was so dealt with in the circumstances specified in paragraph (*a*), (*b*) or (*c*) of subsection (1) of section one of this Act, the person who so dealt with it shall be deemed, as against all persons interested therein, to have been empowered by the Act of 1939 to deal with it in that way:

Provided that in a case falling within either of the two next following subsections the property shall not be deemed to have vested in the transferee otherwise than as mentioned in those subsections.

(2) If the dealing in question purported to be a transfer of the property on a sale thereof, the property shall be deemed to have vested in the transferee in accordance with the terms of the purported transfer, subject however to any incumbrances to which it would have been subject in his hands if it had then been lawfully transferred to him in those terms on a sale by the person entitled to the property.

(3) If the dealing purported to be a transfer of the property by a custodian to or for the benefit of a person as being the person who, but for the Act of 1939 or any order made thereunder, would have been entitled thereto, subsection (1) of this section shall have effect subject to the provisions of subsection (5) thereof; but subject to the said subsection (5) the property shall be deemed to have vested in the transferee as mentioned in the last foregoing subsection.

(4) If at the time of the dealing the property was not enemy property—

(*a*) nothing in the foregoing provisions of this section or in subsection (3) of section seven of the Act of 1939 (which subsection validated certain dealings with property erroneously treated as enemy property) shall operate in relation to that dealing so as to prevent a person from recovering the property or any proceeds

PART I —*cont.*

thereof from a competent authority who for the time being has the property or proceeds in his possession or under his control, and

(*b*) nothing in the foregoing provisions of this section shall defeat any right of recovering the property or any proceeds thereof from an administrator of enemy property, being a right exercisable in accordance with any of the post-war enactments relating to enemy property.

(5) Where the dealing was one falling within subsection (3) of this section, nothing in that subsection or in subsection (1) of this section shall affect any right of recovery from the transferee of property remaining vested in him, or of recovery from the transferee or his personal representatives of damages in respect of any dealing with the property, being a right which would be exercisable apart from this section; and if immediately before the dealing there subsisted in respect of the property a trust of which the person to or for whose benefit the transfer purported to be made was a trustee, nothing in the said subsection (1) or subsection (3) shall be construed as affecting that trust or any right or interest thereunder.

(6) If at the time of the dealing the property was enemy property, and in consequence of the dealing the property or any proceeds thereof came into the possession or under the control of a custodian, then for the purposes of the post-war enactments relating to enemy property the property or proceeds shall be deemed thereupon to have become vested in the custodian by virtue of section seven of the Act of 1939, and to have continued to be so vested while remaining in his possession or under his control.

Income from moneys invested by custodian.

4.—(1) Subject to the provisions of this section, any income received by a custodian from the investment of moneys coming into his hands (whether in pursuance of the Act of 1939 or otherwise) in his capacity as custodian, being income received by way of discount on the purchase by him of Treasury Bills or by way of interest on other loans made by him to the Treasury or on moneys placed by him in his name on deposit or current account at a bank, shall belong to the Crown and be paid into the Exchequer.

(2) The last foregoing subsection shall be deemed to have had effect as from the coming into operation of the Trading with the Enemy (Custodian) Order, 1939, so however that it shall not be construed as authorising or requiring the repayment of any sums paid by a custodian before the passing of this Act otherwise than into the Exchequer.

PART I —*cont.*

(3) Where a custodian, whether after or before the passing of this Act, pays or has paid to any person a capital sum on the footing that—

(*a*) it represents or represented money which was paid to the custodian as being money due to an enemy, but which was not in fact money due to an enemy, or

(*b*) it represents or represented the proceeds of property which was transferred to the custodian as being enemy property, but which was not in fact enemy property,

the person to whom the capital sum is or was paid shall be entitled to receive from the custodian interest thereon at the rate of three-quarters of one per cent. per annum from the date on which the custodian received the money referred to in paragraph (*a*) of this subsection or the proceeds referred to in paragraph (*b*) thereof, as the case may be, to the date of payment of the capital sum:

Provided that—

(i) where the payment of the capital sum was made before the passing of this Act, the right to interest thereon under this subsection shall not arise unless a claim for it in writing is made to the custodian within one year from the date of the passing of this Act and there is produced to the custodian such evidence in support of the claim as the custodian may reasonably require; and

(ii) where in such a case the person to whom the capital sum was paid has since died, or any other event has occurred whereby the right to the interest, if vested in him immediately before that event, would thereupon have vested in some other person, the right to claim the interest shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that event, as the case may be, and, if the right is duly exercised, the interest shall be paid to the persons claiming under him accordingly.

(4) For the purpose of making payments of interest under the last foregoing subsection a custodian who at the passing of this Act has in his hands, or thereafter receives, any income such as is mentioned in subsection (1) of this section shall set aside out of that income such sums as the Treasury may from time to time direct; and out of any sums so set aside the custodian shall pay any interest becoming payable by him under the last foregoing subsection and shall pay the balance thereof (if any) into the Exchequer.

(5) In this section the expression "money due to an enemy" means money which would, but for the existence of a state of war, have been payable to or for the benefit of a person who was an enemy within the meaning of the Act of 1939.

PART I —*cont.*

Interpretation of Part I and provisions as to evidence.

5.—(1) In this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"administrator of enemy property" means an administrator appointed under any of the post-war enactments relating to enemy property;

"competent authority" means the Board of Trade, the Treasury or any person appointed by the Board of Trade or the Treasury to discharge any function under the Act of 1939;

"custodian" means a custodian of enemy property appointed under section seven of the Act of 1939;

"dealing", in relation to any property, includes the taking of any step, or any omission or refusal to take a step, in relation to the property;

"enemy property" means any property for the time being belonging to or held or managed on behalf of an enemy or an enemy subject, and for the purposes of this definition the expressions "enemy" and "enemy subject" have the same meanings as for the purposes of the Act of 1939;

"the post-war enactments relating to enemy property" means the Treaties of Peace (Italy, Roumania, Bulgaria, Hungary and Finland) Act, 1947, the Distribution of German Enemy Property Act, 1949, and the Japanese Treaty of Peace Act, 1951, and any Order in Council made under any of those Acts; and

"transfer" includes conveyance and assignment, and "transferee" shall be construed accordingly.

(2) References in this Part of this Act to the payment of money or transfer of property by an authority to or for the benefit of a person include references to the payment or transfer thereof by that authority to a person appearing to that authority to be authorised by the said person to receive it.

(3) For the purposes of this Part of this Act a certificate issued by or on behalf of the Board of Trade or the Treasury, stating—

(*a*) that, in the case of a specified payment or dealing with property by a specified authority, that authority was acting with such intent as is mentioned in paragraph (*a*) of subsection (1) of section one of this Act, or

(*b*) that a specified payment or dealing with property by a specified person was a payment or dealing in pursuance of a direction or request of a specified authority and that the direction or request was given or made as mentioned in paragraph (*c*) of subsection (1) of that section, or

PART I —*cont.*

(*c*) that a specified payment or transfer of property by a specified authority was made to or for the benefit of a specified person as being the person who would have been entitled to the property but for the Act of 1939 or any order made thereunder,

shall in any proceedings be sufficient evidence of the facts so stated except to any extent to which the certificate is shown to be incorrect.

PART II

SPECIAL PROVISIONS AS RESPECTS GERMANY

Infringements of copyright.

6.—(1) The following provisions shall have effect where at any time within the war period—

(*a*) a person acting in good faith on behalf of the Crown, or a person authorised by a person so acting, did anything the doing of which was an infringement of the copyright in a work, or

(*b*) a person acting in good faith on behalf of the Crown or on behalf of a Power allied with His late Majesty, or a person authorised by a person so acting, brought into any part of His Majesty's dominions, without infringing copyright, or brought into the territory of any Power allied as aforesaid, a work in which copyright then subsisted or a copy of such a work,

and at the time of the taking of the action described in paragraph (*a*) or (*b*) of this subsection, as the case may be (in this section referred to as " the relevant action "), there subsisted in the copyright an interest which either was then a German enemy interest or was properly treated as a German enemy interest by the person by whom or under whose authority the relevant action was taken:

Provided that the said provisions shall not have effect if the copyright in question came into existence on or after the twenty-ninth day of March, nineteen hundred and forty-nine.

(2) In a case falling within paragraph (*a*) of the last foregoing subsection the relevant action shall, as against any person claiming in right of the interest mentioned in that subsection, be deemed not to have been an infringement of the copyright.

(3) In a case falling within either paragraph (*a*) or paragraph (*b*) of subsection (1) of this section—

(*a*) if at the time of the relevant action the interest mentioned in that subsection was the only interest subsisting in the copyright, the copyright shall be deemed to have been extinguished on the taking of that action;

(*b*) in any other case the said interest shall be deemed to have been extinguished on the taking of the relevant action.

(4) For the purposes of subsection (1) of this section an interest in the copyright in a work shall be deemed to have been properly treated by a person as a German enemy interest if, at the time when the relevant action was taken, the work or a copy thereof was in that person's possession or under his control in consequence of the removal of the work or a copy thereof from Germany:

Provided that an interest shall not be deemed to have been so treated if the relevant action was taken in circumstances affording reasonable grounds for believing that the interest was not a German enemy interest.

(5) For the purposes of this section a certificate issued by or on behalf of the Minister or Board in charge of any Government department stating, as respects the doing of anything specified in the certificate in relation to a work so specified,—

(*a*) that it was done by or under the authority of a person acting on behalf of the Crown or of a Power so specified, or

(*b*) that it was done as aforesaid and that at the time when it was done the work or a copy thereof was in the said person's possession or under his control in consequence of the removal of the work or a copy thereof from Germany,

shall in any proceedings be sufficient evidence of the facts so stated except to any extent to which the certificate is shown to be incorrect.

(6) For the purposes of this section any person who, in doing or authorising the doing of anything, was acting on behalf of the Crown or of a Power allied with His late Majesty shall be deemed so to have acted in good faith unless the contrary is proved.

(7) In this section the expression "copy", in relation to a work, means any document or thing recording or reproducing, in any material form whatsoever, the whole or a substantial part of that work.

Infringements of patents and registered designs.

7.—(1) Subject to the provisions of this section, where at any time within the war period anything was done so as to infringe a patent, or so as to infringe the copyright in a registered design, and at that time there subsisted in the patent or registered design an interest which was then a German enemy interest, the patent or copyright shall, as against any person claiming in right of that interest, be deemed not to have been infringed by the doing of that thing.

PART II —*cont.*

(2) The last foregoing subsection shall not apply to an infringement of a patent sealed, or of the copyright in a design registered, in pursuance of an application made on or after the eighth day of April, nineteen hundred and forty-eight.

(3) In relation to an infringement which occurred at a time when an application for the grant of the patent in question was still pending—

(*a*) the reference in subsection (1) of this section to an interest then subsisting in the patent shall be construed as a reference to an interest then subsisting in the invention to which the application related, and

(*b*) a person claiming in right of an interest in the patent, being an interest which corresponds to an interest which at the time of the infringement subsisted in that invention, shall for the purposes of that subsection be treated as claiming in right of the latter interest.

Crown use of patented inventions and registered designs.

8.—(1) The provisions of the Patents Act, 1949, and the Registered Designs Act, 1949, as to payment for the use of patented inventions and registered designs by or under the authority of Government departments, that is to say—

(*a*) subsection (3) of section forty-six of the Patents Act, 1949, and sub-paragraph (3) of paragraph 1 of the First Schedule to the Registered Designs Act, 1949, and

(*b*) any provision of either of those Acts which extends or modifies the operation of the said subsection (3) or sub-paragraph (3) or confers a right by reference thereto,

shall have effect subject to the following provisions of this section.

(2) Subject to the next following subsection, no person shall by virtue of the said provisions of those Acts be entitled to any payment, or part of a payment, in respect of the use of a patented invention or registered design at any time within, or after the end of, the war period (whether before or after the passing of this Act), if and so far as his claim thereto is a claim in right of an interest in the relevant patent or in the registered design, being an interest which was a German enemy interest at any time within the war period.

(3) The last foregoing subsection shall not affect any claim in respect of the use of a patented invention or of a registered design, if the relevant patent was sealed, or the design registered, in pursuance of an application made on or after the eighth day of April, nineteen hundred and forty-eight.

(4) Where in accordance with the said provisions a sum would apart from this section be divisible between two or more persons,

PART II —*cont.*

the operation of subsection (2) of this section in relation to any one or more of those persons shall not affect the right of any other of them to receive the amount which would be payable to him if that subsection did not have that operation, and references in those provisions to the division of a sum shall be construed accordingly.

(5) Where in accordance with the said provisions a licensee would apart from this section be entitled to recover from a patentee or registered proprietor an amount representing a part of payments required under those provisions to be made by a Government department, and by reason of subsection (2) of this section the claim of the patentee or registered proprietor to those payments is wholly or partly barred, then so far as the claim of the licensee is not itself barred by that subsection he shall be entitled to recover that amount as follows, that is to say—

(*a*) if the claim of the patentee or registered proprietor is wholly barred, the licensee shall be entitled to recover that amount from the Government department in question;

(*b*) if the claim of the patentee or registered proprietor is partly barred, the right of the licensee to recover from him shall abate accordingly and the licensee shall be entitled to recover the balance of the amount from the Government department.

(6) If and so far as any person, notwithstanding the repeal of sections twenty-nine and fifty-eight A of the Patents and Designs Act, 1907, would apart from this section be entitled to any payment by virtue of the said section twenty-nine or of that section as extended by the said section fifty-eight A, references in this section to the said provisions of the said Acts of 1949 shall be construed, in relation to any claim to that payment, as references to the corresponding provisions of the said section twenty-nine or of that section as so extended, as the case may be.

(7) In this section the expression "interest," in relation to a patent or registered design, includes such rights in relation thereto as, apart from this section, an assignor would have by virtue of subsection (3) of section forty-seven of the Patents Act, 1949, or sub-paragraph (3) of paragraph 2 of the First Schedule to the Registered Designs Act, 1949 (of which the former relates to cases where a patent, or the right to apply for or obtain a patent, has been assigned to a patentee in consideration of royalties or other benefits determined by reference to the use of the invention, and the latter relates to the corresponding assignments of registered designs and of rights to apply for or obtain registration of designs).

PART II —*cont.*

Disclosure of information about inventions, etc., in breach of contract.

9.—(1) Where at any time within the war period a person disclosed or supplied to any other person any information, model or document relating to an invention, design or process, and did so—

(*a*) at the request of a Government department, and for a purpose which appeared to that department to be in the interests of the defence of the realm or otherwise in the public interest, but

(*b*) in breach of a contract in respect of which there was at that time a German enemy covenantee,

no legal proceedings shall be brought or prosecuted in respect of that breach of contract by the German enemy covenantee or by any person claiming under him.

(2) For the purposes of this section a certificate signed by a Minister of the Crown stating that, in disclosing or supplying to any person any information, model or document specified in the certificate, a person so specified was acting at the request of a Government department so specified, and for a purpose which appeared to that department to be in the interests of the defence of the realm or otherwise in the public interest, shall in any proceedings be conclusive evidence of the facts so stated.

(3) Nothing in this section shall be construed as derogating from the provisions of any other enactment or of any Defence Regulations as to the use or disclosure of information, models or documents relating to inventions, designs or processes.

(4) In this section the expression "German enemy covenantee" means a person who, being a German enemy at the time of the breach of contract in question, was then entitled to enforce the contract or would have been so entitled if he had not been a German enemy, and references to the bringing of proceedings include references to the setting up in any proceedings of any claim by way of counterclaim or set-off.

Property allocated by way of reparation from Germany.

10.—(1) The following provisions of this section shall have effect as respects property allocated by the Inter-Allied Reparation Agency by way of reparation from Germany, being property of a description to which this section applies which was so allocated to one or other of the Governments which were parties to the Paris Agreement on Reparation; and in those provisions references to the allocation of property are references to the allocation thereof as aforesaid, and references to the recipient Government, in relation to any property, are references to the Government to which that property was so allocated and include references to any department or agency of that Government.

(2) Subject to the next following subsection, all rights and interests subsisting to or in such property immediately before the allocation thereof, any cause of action then subsisting in

respect of the property, and any trust or contract then affecting the property or the use thereof, shall be deemed to have been extinguished upon the allocation of the property.

(3) The last foregoing subsection shall not affect any right, interest or cause of action which the recipient Government had in respect of the property immediately before it was allocated or which that Government acquired by virtue of the allocation or of anything done in pursuance thereof; and, in the case of property which was disposed of by the recipient Government before it was allocated, the last foregoing subsection shall not affect any right or interest, cause of action, trust or contract which came into existence by virtue of or subsequently to that disposition.

(4) As regards property allocated to His late Majesty's Government in the United Kingdom the following provisions shall have effect (but without prejudice to any title or claim of the Crown to or in respect of any such property apart from those provisions), that is to say—

(*a*) any such property which was in the possession of a department of that Government at the time when it was so allocated shall be deemed thereupon to have vested in that department on behalf of the Crown;

(*b*) any such property which came into the possession of a department of that Government in consequence of its having been so allocated shall be deemed to have vested in that department on behalf of the Crown at the time when it so came into the possession of that department; and

(*c*) any such property which was disposed of by such a department before it was so allocated shall be deemed to have been vested in that department on behalf of the Crown immediately before that disposition thereof.

(5) For the purposes of this section a certificate issued by or on behalf of the Minister or Board in charge of a Government department (in this subsection referred to as "the certifying department") with respect to any property specified in the certificate, being property which at the date of issue of the certificate is in the possession of the certifying department or has before that date been disposed of by that department, stating that the property was allocated to His late Majesty's Government in the United Kingdom on a date so specified, with or without the further statement either that the property was at the date of allocation thereof in the possession of the certifying department or that the property came into the possession of that department on a date so specified in consequence of

PART II —*cont.*

its having been so allocated, shall in any proceedings be sufficient evidence of the facts so stated except to any extent to which the certificate is shown to be incorrect.

(6) This section applies to the following descriptions of property, that is to say—

(*a*) plant, equipment, ships, aircraft and other chattels; and

(*b*) currency (in the form of notes or coins) of any of the following countries, namely Sweden, Portugal, Switzerland, Turkey and Spain.

In the application of this subsection to Scotland the expression " chattels " means corporeal moveables.

(7) In this section—

(*a*) references to the Inter-Allied Reparation Agency are references to the agency established in pursuance of the Paris Agreement on Reparation, and references to that agreement are references to the agreement on reparation from Germany and other matters which was concluded at Paris in the year nineteen hundred and forty-six;

(*b*) references to property's being disposed of are references to any disposition or purported disposition thereof by way of sale, gift, exchange, lease or letting on hire or charter; and

(*c*) references to property's being in or coming into the possession of a Government department include references to its being or, as the case may be, coming under the control of that department, and references to the vesting of property in a Government department are references to the vesting thereof in the Minister or Board in charge of that department.

Other property seized from Germany.

11.—(1) As regards property of any description to which the last foregoing section does not apply, and as regards property of any description to which that section does apply but which has not been allocated as mentioned in subsection (1) of that section, being in either case property seized from Germany which was at any time within the war period imported into the United Kingdom by or under the authority of a Government department, the following provisions shall have effect (but without prejudice to any title or claim of the Crown to or in respect of any such property apart from those provisions), that is to say—

(*a*) the property shall be deemed to have been vested in that department on behalf of the Crown at the time when it was imported as aforesaid; and

PART II —*cont.*

(*b*) subject to the last foregoing paragraph, all rights and interests subsisting to or in the property immediately before it was so imported, any cause of action then subsisting in respect of the property, and any trust or contract then affecting the property or the use thereof, shall be deemed to have been extinguished upon the importation of the property as aforesaid.

(2) The last foregoing subsection shall have effect in relation to bearer certificates, and in relation to sterling currency (in the form of notes or coins), as if the war period had continued up to, and ended with, the passing of this Act; and, in the application of that subsection to bearer certificates, the references in paragraphs (*a*) and (*b*) to the property shall be construed as references both to the certificates and to the securities to which the certificates related.

In this subsection the expressions " bearer certificate " and " securities " have the same meanings as in the Exchange Control Act, 1947.

(3) For the purposes of this section a certificate issued by or on behalf of the Minister or Board in charge of a Government department with respect to any property specified in the certificate, being property which at the date of issue of the certificate is in the possession of that department or has before that date been disposed of by that department, stating that the property was seized from Germany and was on a date so specified, or at a time between dates so specified, imported into the United Kingdom by or under the authority of that department, with or without the further statement that the property has not been allocated as mentioned in subsection (1) of the last foregoing section, shall in any proceedings be sufficient evidence of the facts so stated except to any extent to which the certificate is shown to be incorrect.

(4) Paragraphs (*b*) and (*c*) of subsection (7) of the last foregoing section shall apply for the purposes of this section.

Meaning of " German enemy " and " German enemy interest ".

12.—(1) In this Part of this Act the expression " German enemy ", in relation to any time within the war period, means any of the following, that is to say—

(*a*) the German State;

(*b*) an individual being a German national—

(i) resident in Germany or in enemy territory other than Germany, or

(ii) deemed for the time being to be an enemy for the purposes of the Act of 1939 by virtue of an order made under subsection (2) of section two of that Act;

(*c*) a body of persons, whether corporate or unincorporate, being a body incorporated or constituted in, or under the laws of, Germany;

PART II —*cont.*

(*d*) a body of persons, whether corporate or unincorporate, being a body controlled by the German State or by such an individual or body as is mentioned in either of the two last foregoing paragraphs,

and the expression "German enemy interest", in relation to any time within the war period, means an interest then belonging to, or held on behalf of, a German enemy or belonging to, or held on behalf of, two or more persons of whom any one was then a German enemy.

(2) For the purposes of this section an area shall be deemed to have been enemy territory—

(*a*) at any time, if it was then under the sovereignty of, or in the occupation of, a Power with whom His late Majesty was then at war and was not then in the occupation of His Majesty or of a Power allied with His Majesty;

(*b*) at any time, if it was then an area specified in an order for the time being in force under subsection (1A) of section fifteen of the Act of 1939;

(*c*) at any time on or after the twenty-eighth day of September, nineteen hundred and forty-four, if it was on that day under the sovereignty of a Power with whom His late Majesty was at war on that day, unless at the time in question, by virtue of an order in force under the proviso to Regulation seven of the Defence (Trading with the Enemy) Regulations, 1940, it was directed to be treated for all the purposes of the Act of 1939 as not being enemy territory.

(3) A certificate issued by or on behalf of a Secretary of State that an area specified in the certificate was at a time so specified under the sovereignty of, or in the occupation of, a Power with whom His late Majesty was then at war, or that an area so specified was at a time so specified in the occupation of His Majesty or of a Power allied with His Majesty, shall for the purposes of this Part of this Act be conclusive evidence of the facts stated in the certificate.

(4) In any case where in accordance with the foregoing provisions of this section the operation of any of the foregoing sections of this Part of this Act depends on an individual's having been a German national at a particular time, and he is proved to have been resident in Germany at that time, he shall, unless the contrary is shown, be deemed to have been a German national at that time.

Interpretation of Part II.

13.—(1) In this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"copyright", except where the reference is to copyright in a registered design, means copyright subsisting by virtue of the Copyright Act, 1911;

" German national " does not include any person on whom German nationality was conferred in consequence of the inclusion in the German State after the first day of March, nineteen hundred and thirty-eight of any territory not comprised therein on that day ;

" Germany " means territory comprised in the German State on the first day of March, nineteen hundred and thirty-eight ;

" person " includes a State, the sovereign of a State, and any body of persons, whether corporate or unincorporate ; and

" the war period " means the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the ninth day of July, nineteen hundred and fifty-one.

(2) In relation to an interest which at a time relevant for the purposes of any provision of this Part of this Act was a German enemy interest, references in that provision to a person claiming in right of that interest include references to a person claiming in right of any interest created immediately or derivatively out of that interest, whether before or after the passing of this Act, except any interest so created—

(*a*) before the beginning of the war period, or

(*b*) before the earliest time within that period at which that interest was a German enemy interest.

(3) Where any provision of this Part of this Act has effect in relation to an interest as being an interest properly treated as a German enemy interest as therein mentioned, the last foregoing subsection shall apply for the purposes of that provision in relation to that interest, but shall so apply as if paragraph (*b*) of that subsection had been omitted.

(4) References in this Part of this Act to interests in a patent, registered design or copyright shall be taken to include any rights conferred by a licence under the patent or registered design or, as the case may be, by a licence in respect of the copyright ; but for the purposes of subsection (2) of this section any rights so conferred in the case of a patent, registered design or copyright shall not be treated as being an interest created out of the proprietorship of the patent, design or copyright.

PART III

SUPPLEMENTARY

General provision as to certificates.

14. Any document purporting to be a certificate issued for the purposes of this Act and to be so issued by or on behalf of the Minister or Board in charge of a Government department shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate so issued.

PART III —*cont.*

Interpretation.

15.—(1) In this Act, unless the context otherwise requires, the expression "property" means real or personal property, and includes any estate or interest in real or personal property, any money, any negotiable instrument, debt or other chose in action, and any other right or interest whether in possession or not, the expression "trust" includes any obligation subsisting by virtue of a fiduciary relationship and the expression "trustee" shall be construed accordingly, and references to a Government department and to a Minister of the Crown include respectively references to a department of the Government of Northern Ireland and (in relation to a department of that Government) to a Minister of Northern Ireland.

(2) In this Act, unless the context otherwise requires, references to the Act of 1939 shall be construed as references to that Act as amended by the Defence (Trading with the Enemy) Regulations, 1940, and as including references to so much of those Regulations as did not consist of amendments of the Act of 1939, references to any enactment not contained in that Act shall be construed as references to that enactment as amended by or under any other enactment, and references to the said Regulations of 1940 shall be construed as references to those Regulations as amended from time to time and as including references to the provisions set out in the Second Schedule to the Emergency Laws (Miscellaneous Provisions) Act, 1953 (which by section two of that Act were substituted for those Regulations).

(3) In the application of this section to Scotland the expression "real or personal property" means heritable or moveable property and the expression "chose in action" means a right of action or incorporeal moveable.

Application to Isle of Man and Channel Islands.

16.—(1) This Act shall extend to the Isle of Man and the Channel Islands.

(2) References in this Act to the Act of 1939 shall include references to that Act as it extends to the Isle of Man and the Channel Islands respectively.

Operation of Act as respects pending proceedings, etc.

17.—(1) Nothing in this Act shall affect the determination of any proceedings begun before the seventeenth day of March, nineteen hundred and fifty-three, or of any appeal, whether brought before or after the passing of this Act, being either—

(*a*) an appeal against an order made in such proceedings, or

(*b*) an appeal against the decision of an appeal falling within the foregoing paragraph.

(2) Where any proceedings have been begun on or after the said seventeenth day of March but before the passing of this Act, and no final order has been made in the proceedings before the

PART III —*cont.*

passing of this Act, the foregoing provisions of this Act shall have effect for the purposes of the proceedings notwithstanding that they were not in operation at the time when the proceedings were begun.

(3) Where any proceedings have been begun as mentioned in the last foregoing subsection and a final order has been made in the proceedings before the passing of this Act, then, on the application of any person against whom the order is enforceable, being an application made within three months from the date of the passing of this Act,—

(*a*) the court by which the order was made, if in its opinion the order would not have been made, or a different order would have been made, if this Act had been in operation when the proceedings were begun, shall rescind or vary the order accordingly, and

(*b*) pending the determination of the application, the court may stay execution on the order, or any proceedings for the enforcement thereof, including any proceedings on any bankruptcy petition or winding-up petition founded on the non-payment of money due under the order.

(4) In this section the expression " order " includes a judgment and references to the making of an order shall be construed accordingly.

(5) In the application of this section to Scotland the expression " order " includes a decree, the expression " stay " means sist, and the expression " bankruptcy petition " means a petition for sequestration.

Short title and extent.

18.—(1) This Act may be cited as the Enemy Property Act, 1953.

(2) It is hereby declared that this Act extends to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Patents and Designs Act, 1907	7 Edw. 7. c. 29.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Trading with the Enemy Act, 1939	2 & 3 Geo. 6. c. 89.
Exchange Control Act, 1947	10 & 11 Geo. 6. c. 14.
Treaties of Peace (Italy, Roumania, Bulgaria, Hungary and Finland) Act, 1947	10 & 11 Geo. 6. c. 23.
Distribution of German Enemy Property Act, 1949	12, 13 & 14 Geo. 6. c. 85.
Patents Act, 1949	12, 13 & 14 Geo. 6. c. 87.
Registered Designs Act, 1949	12, 13 & 14 Geo. 6. c. 88.
Japanese Treaty of Peace Act, 1951	15 & 16 Geo. 6. & 1 Eliz. 2. c. 6.
Emergency Laws (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 47.