STATUTORY INSTRUMENTS

1967 No. 1189

EXCHANGE CONTROL

The Exchange Control (Payments) Order 1967

Made - - -	*27th July* 1967
Laid before Parliament	*8th August* 1967
Coming into Operation	*9th August* 1967

The Treasury, in exercise of the powers conferred upon them by sections 23, 31 and 36(5) of the Exchange Control Act 1947(a), hereby make the following Order:—

1. There shall be exempted from the provisions of section 5 of the Exchange Control Act 1947 anything done for the purpose of the transfer to the account (not being a Rhodesian account) of any person of the whole or any part of an amount standing to the credit of an account (being an account with an authorised bank but not being a Rhodesian account) of a person resident outside the scheduled territories.

2. There shall be exempted from the provisions of the said section 5 any payment made in cash in the United Kingdom or in the Channel Islands to a person resident outside the scheduled territories—

(*a*) by a person resident outside the scheduled territories if that payment is made out of—

(i) any notes of a class which are or have at any time been legal tender in the United Kingdom or the Channel Islands or any part of the United Kingdom or the Channel Islands, or

(ii) any moneys withdrawn from an account (being an account with an authorised bank but not being a Rhodesian account) of that person, or

(iii) any moneys arising from the sale of gold or any foreign currency by that person to an authorised dealer, or

(iv) any foreign currency provided that the payment is not made as consideration for or in association with the receipt by any person of sterling;

(*b*) by a person resident in the scheduled territories if that payment—

(i) does not exceed £10 sterling in value, and

(ii) does not form part of a transaction or series of transactions wherein the aggregate value of the payments exceeds £10 sterling;

(*c*) by an authorised bank acting in the course of its business if that payment is being made from moneys standing to the credit of an account (not being a Rhodesian account) of a person resident outside the scheduled territories with that authorised bank;

(a) 1947 c.14.

(*d*) by a banker in the United Kingdom or the Channel Islands acting in the course of his business if that payment is in respect of the encashment by that person of a travellers' cheque or letter of credit in favour of that person.

3. For the purposes of section 23 of the said Act—

(*a*) the prescribed territory shall be any territory outside the scheduled territories;

(*b*) the prescribed manner of payment—

(i) shall, in respect of exports to a destination in Southern Rhodesia, be payment in any specified currency except Rhodesian pounds;

(ii) shall, in respect of exports to a destination in the prescribed territory (not being a destination in Southern Rhodesia), be payment in any specified currency except Rhodesian pounds or payment in sterling from an account (being an account with an authorised bank but not being a Rhodesian account) of a person resident outside the scheduled territories.

4. This Order shall extend to the Channel Islands, and any reference in this Order to the Exchange Control Act 1947 includes a reference to that Act as extended by the Exchange Control (Channel Islands) Order 1947(**a**).

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

" account " means a sterling account with a banker in the United Kingdom or the Channel Islands;

" authorised bank " means any office in the United Kingdom or the Channel Islands of a banker who is for the time being authorised by an Order of the Treasury to act for the purposes of the Exchange Control Act 1947 as an authorised dealer in relation to gold and all foreign currencies;

" Rhodesian account " means an account of a person resident in Southern Rhodesia;

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

6. The Orders specified in the Schedule to this Order are hereby revoked.

7. This Order may be cited as the Exchange Control (Payments) Order 1967, and shall come into operation on 9th August 1967.

Harry Gourlay,
E. Alan Fitch,
Two of the Lords Commissioners of Her Majesty's Treasury.

27th July 1967.

(**a**) S.R. & O. 1947/2034 (Rev. VI, p. 1001: 1947 I, p. 660).
(**b**) 1889 c. 63.

SCHEDULE

ORDERS REVOKED

The Exchange Control (Payments) Order 1959	S.I. 1959/374 (1959 I, p. 1257).
The Exchange Control (Payments) (Amendment) Order 1965	S.I. 1965/1940 (1965 III, p. 5797).
The Exchange Control (Payments) (Amendment) Order 1967	S.I. 1967/561 (1967 I, p. 1774).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the exemptions granted under section 5 of the Act. There are two changes. First, in respect of bank accounts of non-residents, the exemptions only cover payments made out of such accounts *with authorised banks*. There is no change in relation to Rhodesian accounts. Secondly, authorised banks can now make cash payments to any non-resident out of moneys standing with them to the credit of that non-resident or of any other non-resident (except a Rhodesian). The Order also consolidates the provisions laying down for the purposes of section 23 the prescribed territory and the prescribed manner of payment for exports. The position in relation to exports (including exports to Rhodesia) is unchanged.