(2) GERMANY

The Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1949

1949 No. 607

Made - - - - 29th March, 1949

The Board of Trade in exercise of the powers conferred upon them by Section 7 of the Trading with the Enemy Act, 1939(a) (hereinafter referred to as " the Act ") and of all other powers enabling them in that behalf do hereby make the following Order :—

1. Articles 1, 4 and 5 of the Trading with the Enemy (Custodian) Order, 1939(b), (requiring payment of certain moneys to the Custodian and imposing restrictions and requirements in regard to certain property in the United Kingdom) shall not apply to

(*a*) Any money which would but for the operation of Regulation 7(c) of the Defence (Trading with the Enemy) Regulations, 1940, and of Article 1 of the Trading with the Enemy (Custodian) Order, 1939(b), become payable to or for the benefit of any person within the description contained in Article 2 of this Order by reason of any trade authorised by Article 1 of the Trading with the Enemy (Authorisation) (Germany) Order, 1949(d) ;

(*b*) any property which on or after the date of this Order comes into the ownership of any person within the description contained in Article 2 of this Order by reason of any such trade as aforesaid including any money derived therefrom ;

(*c*) any money or property to which any person within the description contained in Article 2 of this Order becomes entitled by virtue of the will of any person, not being an enemy, proved, the intestacy of any such person occurring or any settlement made or other trust constituted by any such person on or after the date of this Order.

2. This Order applies

(*a*) to any Government, public or other authority in Germany,

(*b*) to any individual resident in Germany,

(*c*) as respects any business carried on in Germany, to any individual or body of persons (whether corporate or unincorporate) carrying on that business,

(*d*) as respects any business carried on in any territory which is not an area which for the time being is to be treated as enemy territory for the purposes of Section 1 or of Section 5 of the Act in accordance with the provisions of Regulation 6(e) or Regulation 7(c) of the Defence (Trading with the Enemy) Regulations, 1940, to any body of persons (whether corporate or unincorporate) carrying on that business if and so long as the body is controlled by any individual resident in or body of persons carrying on business in Germany.

(a) 2 & 3 Geo. 6. c. 89. (b) S.R. & O. 1939 (No. 1198) II, p. 3202.
(c) S.R. & O. 1944 (No. 1123) II, p. 55. (d) S.I. 1949 No. 605, p. 4090 above.
(e) S.R. & O. 1943 (No. 1034) II, p. 77.

3. For the purposes of this Order "Germany" means Berlin and the French, British, American and Russian Military Zones of Germany as established by the Statement by the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the Provisional Government of the French Republic, on the zones of occupation in Germany on the 5th June, 1945, and also those parts of the former German Reich which are at present administered by the Union of Soviet Socialist Republics.

4. The Orders specified in the Schedule hereto are hereby revoked.

5.—(*a*) This Order may be cited as the Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1949.

(*b*) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this 29th day of March, 1949.

H. S. Gregory,
An Under Secretary of the
Board of Trade.

SCHEDULE

1. The Trading with the Enemy (Custodian) (Amendment) (Germany) Order 1947(b).
2. The Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1948(c).
3. The Trading with the Enemy (Custodian) (Amendment) (Germany) (No. 2) Order, 1948(d).
4. The Trading with the Enemy (Custodian) (Amendment) (Germany) (No. 3) Order, 1948(e).
5. The Trading with the Enemy (Custodian) (Amendment) (Germany) (No. 4) Order, 1948(f).

EXPLANATORY NOTE

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

By an Order dated 29th March, 1949 (S.I. 1949 No. 605) the Board of Trade authorised trade with persons in Germany. The present Order removes Board of Trade and Custodian control over money and property accruing in consequence of this authorisation and also money and property to which persons in Germany become entitled under wills proved or intestacies occurring or other settlements or trusts of persons, not being enemies, made on or after the date of this Order. German property and property rights in the United Kingdom and the Channel Islands at the date of this Order and income derived therefrom continue under Board of Trade and Custodian control. Certain earlier Orders are revoked.

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1947 (No. 302) I, p. 2189.
(c) S.I. 1948 (No. 134) I, p. 4382.
(d) S.I. 1948 (No. 727) I, p. 4383.
(e) S.I. 1948 (No. 1707) I, p. 4384.
(f) S.I. 1948 (No. 2088) I, p. 4385.