CUSTODIAN

1952 No. 6

The Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1952

Made - - - - 1*st January,* 1952

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, become payable to or for the benefit of any person within the description contained in Article 3 of this Order by reason of any trade authorised by Article 1 of the Trading with the Enemy (Authorisation) (Germany) Order, 1952(d), and

(*b*) any property acquired by reason of any such trade as aforesaid including any money derived therefrom which on or after the date of this Order comes into the ownership of any person within the description contained in Article 3 of this Order.

2. Notwithstanding the provisions of the Trading with the Enemy (Custodian) Order, 1951(e) any person shall as from the date when this Order comes into force have and be at liberty to exercise on his own behalf and for his own absolute use and benefit all the rights, powers, duties and liabilities arising under any licence, contract or agreement in respect of such copyright as is comprised in Article 1 of the Trading with the Enemy (Authorisation) (Germany) Order, 1952, as he would have had and been at liberty to exercise but for the operation of the Trading with the Enemy Act, 1939, or any Order made thereunder and any person deriving title from any such person as aforesaid shall likewise have and be at liberty to exercise any such rights, powers, duties and liabilities.

3. This Order applies

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

(ii) to any individual resident in Germany,

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

(a) 2 & 3 Geo. 6. c. 89. (b) S.R. & O. 1939/1198; Rev. XXIII, p. 137; 1939 II, p. 3202.
(c) S.R. & O. 1944/1123; 1944 II, p. 55. (d) S.I. 1952/4, p. 3482 above.
(e) S.I. 1951/153; 1951 II, p. 857.

4. For the purposes of this Order

(i) "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,

(ii) "property" means real or personal property, any negotiable instrument, debt or other chose in action, and any other right or interest, whether in possession or not.

5. The Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1950(a) is hereby revoked.

6.—(1) This Order may be cited as the Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1952.

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

Dated this 1st day of January, 1952.

H. S. Gregory,
A Secretary of the Board of Trade.

EXPLANATORY NOTE

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

By an Order dated 1st January, 1952 (S.I. 1952 No. 4) the Board of Trade authorised trade with Germany in respect of certain German-owned copyright. The present Order removes Board of Trade and Custodian control over money and property accruing in consequence of this authorisation.

ENEMY TERRITORY CESSATION

1952 No. 1923

The Trading with the Enemy (Enemy Territory Cessation) (Austria) Order, 1952

Made - - - - 5th November, 1952

The Board of Trade in pursuance of the powers conferred upon them by Regulation 7 of the Defence (Trading with the Enemy) Regulations, 1940(c), and of all other powers enabling them in that behalf, hereby order as follows:—

1. Austria shall for all purposes of the Trading with the Enemy Act, 1939(d), and for the purposes of any Order made thereunder cease to be treated as if it were enemy territory as from the date of this Order.

(a) S.I. 1950/1730; 1950 II, p. 1150.
(b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1944/1123; 1944 II, p. 55.
(d) 2 & 3 Geo. 6. c. 89.