The Trading with the Enemy (Custodian) (No. 4) Order, 1951

1951 No. 1625

Made - - - - 5th September, 1951

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

1. There shall vest in the Custodian of Enemy Property for England appointed under the Trading with the Enemy Act, 1939(a), all trade marks registered in pursuance of an application for registration made prior to the 8th day of December, 1941, belonging to or held or managed on behalf of any enemy.

2. No fee prescribed by the Trade Mark Rules, 1938(b), in accordance with the provisions of Section 41 of the Trade Marks Act, 1938(c), shall be payable by the said Custodian in respect of any application or registration or other matter under the said Act with reference to any of the trade marks vested in the said Custodian by this Order.

3. The said Custodian shall have power to apply under Section 25 of the Trade Marks Act, 1938(c), for the registration of his title to any of the said trade marks in the Register of Trade Marks.

4. The said Custodian shall be entitled in respect of the said trade marks to exercise all the powers conferred upon a registered proprietor by the Trade Marks Act, 1938(c), and to sell the said trade marks and generally to deal with the said trade marks as, subject to any direction by the Board of Trade, in his discretion shall seem advisable.

5. The said Custodian shall have power to employ such agents as he may consider necessary in the exercise of his powers and duties under this Order.

6. Out-of-pocket payments duly made by the said Custodian in relation to the receiving, collecting, vesting, management, holding or disposing of property which is the subject matter of this Order shall be reimbursed to the said Custodian out of such property and shall be chargeable accordingly.

7. The Custodian shall exercise all the powers conferred upon him by this Order in such manner as he may from time to time be directed by the Board of Trade and subject to any such direction as he may from time to time think fit.

8. The Interpretation Act, 1889(d), shall apply to this Order as if it were an Act of Parliament.

9. For the purposes of this Order the following expressions shall have the following meanings :—

(*a*) " enemy " means—

(i) the Japanese State or the Sovereign thereof ;

(ii) any individual resident in Japan ;

(iii) any body of persons constituted or incorporated under the laws of Japan ;

(iv) any body of persons (whether corporate or unincorporate) carrying on business in any place, controlled by any State, individual or body of persons as aforesaid.

(a) 2 & 3 Geo. 6. c. 89. (b) S.R. & O. 1938 (No. 661) II, p. 3257.
(c) 1 & 2 Geo. 6. c. 22. (d) 52 & 53 Vict. c. 63.

(*b*) "Japan" means all territory which was under Japanese sovereignty on 7th December, 1941.

10. This Order may be cited as the Trading with the Enemy (Custodian) (No. 4) Order, 1951.

Dated this 5th day of September, 1951.

F. G. Lee,
Secretary of the Board of Trade.

EXPLANATORY NOTE

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

This Order vests in the Custodian certain registered trade marks. The trade marks affected are those which were registered in pursuance of applications made prior to 8th December, 1941, and which are the property of individuals resident in Japan, business concerns constituted or incorporated under the laws of Japan and concerns controlled by the foregoing.

The Trading with the Enemy (Custodian) (No. 5) Order, 1951

1951 No. 1626

Made - - - - *5th September,* 1951
Coming into Operation *7th September,* 1951

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

1. Without prejudice to the effect of any Order made by the Board of Trade prior to the date of this Order and save as hereinafter otherwise provided, there shall vest in the Custodian—

(*a*) the beneficial interest of any enemy or enemy subject in any property belonging to or held or managed on behalf of an enemy or an enemy subject at the date of this Order consisting of securities, or being property existing by virtue of any will, settlement, trust (whether express, constructive or resulting) or intestacy or of any contract or agreement of any kind whatsoever, including any beneficial interest of an enemy or enemy subject in any business which is the subject of a restriction order or a winding-up order made under Section 3A of the said Act (as amended) or in any assets or profits (present or future) of any such business,

(*b*) without prejudice to the generality of the foregoing paragraph, the right to receive

(i) any monies payable presently or at any future time in respect of any such property as aforesaid,

(ii) any dividends, bonus or interest payable presently or at any future time in respect of any such securities as aforesaid and in respect of any securities comprised in any Vesting Order made prior to the date of this Order, and

(iii) any monies payable presently or at any future time in respect of any such securities as are mentioned in the last preceding sub-paragraph upon redemption or on maturity or upon such securities being drawn for payment or otherwise.

(a) 2 & 3 Geo. 6. c. 89.