EXPLANATORY NOTE

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

Trade with persons in Japan has hitherto been permitted to a limited extent only. This Order authorises trade with such persons without restriction except in so far as concerns Japanese property and property rights in the United Kingdom at the date of this Order and property (which includes income) arising now or in future from such property. It further permits the transfer or allotment of securities, as defined, to individuals and bodies of persons in Japan. It revokes certain earlier Orders which authorised trade to a limited degree.

CUSTODIAN

The Trading with the Enemy (Custodian) Order, 1950

1950 No. 494

Made - - - - 28*th March*, 1950
Coming into Operation 11*th April*, 1950

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 the right to transfer all property belonging to or held or managed on behalf of an enemy and of the following description, that is to say—

(*a*) jewellery and imitation jewellery, being articles consisting wholly or partly of stones (precious, semi-precious or imitation) or of pearls (real, cultured or imitation);

(*b*) precious and semi-precious stones;

(*c*) goldsmiths' and silversmiths' wares, being articles made wholly or partly of gold, silver or other precious metal (including gold plate but not including base metal which is gilt or silver plated); and

(*d*) articles made wholly or partly of mother-of-pearl, ivory, amber, jet, coral, natural shells or tortoise-shell, jade, onyx, lapis lazuli or other semi-precious stones.

Provided nevertheless that this Order shall not have the effect of vesting in the Custodian any property in respect of which any licence, consent or authority has been given under the Trading with the Enemy Act, 1939, or any Order made thereunder.

2. Any person having possession, control or management of property the subject of this Order shall, on being so required by the Custodian, deliver the same to him.

3. The Custodian shall sell the said property or any part thereof as and when requested so to do by the Board of Trade with power for that purpose to employ such agents as he shall think fit and to obtain the advice or assistance of experts whenever it shall appear to him to be advisable.

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

4. Out-of-pocket payments duly made by the Custodian in relation to the receiving, collecting, vesting, management, holding or disposing of the said property or any part thereof shall be reimbursed to the Custodian out of the proceeds of sale of such property and shall be chargeable accordingly.

5.—(1) Any property which is the subject of this Order shall not be liable to be attached or otherwise taken in execution.

(2) No person shall, without the consent of the Board of Trade, save as directed by this Order, transfer, part with or otherwise deal with any property which is the subject of this Order.

(3) The receipt of the Custodian or any person duly authorised by him to sign receipts on his behalf shall be a good discharge for any transfer of property made or purported to be made in pursuance of this Order.

6.—(1) For the purpose of this Order the expression "enemy" means:

(*a*) the German State,

(*b*) any individual resident in Germany,

(*c*) any body of persons constituted or incorporated under the laws of Germany,

(*d*) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by any State, individual or body of persons as aforesaid, and

(*e*) as respect any business carried on in Germany any individual or body of persons (whether corporate or unincorporate) carrying on that business in Germany.

(2) For the purposes of this Order "Germany" means territory comprised in the German State on the first day of March, 1938.

(3) References to "the Custodian" shall be construed as references to the Custodian for that part of the United Kingdom in which the property in question is situate, and if in any case any doubt shall arise then to such Custodian as the Board of Trade shall direct.

(4) For the purposes of this Order the expression "semi-precious stones" shall include in addition to those specified in Article 1 (*d*) the following stones:—

Agate, Amethyst, Aquamarine or Beryl, Cairngorm, Carnelian or Cornelian, Catseye, Chalcedony, Chrysoberyl, Chrysoprase, Garnet, Jadeite, Jargoon or Zircon, Labradorite, Moonstone, Opal, Peridot or Olivine, Spinel, Topaz, Tourmaline and Turquoise.

7. In the application of this Order to Scotland "attached or otherwise taken in execution" means arrested in execution or in security or otherwise effected by diligence.

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

(2) This Order may be cited as the Trading with the Enemy (Custodian) Order, 1950, and shall come into force on the 11th day of April, 1950.

Dated this 28th day of March, 1950.

J. H. Woods,
Secretary of the Board of Trade.

(a) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

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

This Order vests in the Custodian all rights relating to the transfer of jewellery and imitation jewellery, precious and semi-precious stones, goldsmiths' and silversmiths' wares and articles made wholly or partly of semi-precious stones, belonging to or held on account of persons resident or carrying on business in Germany and business concerns controlled by such persons. The Order requires any person holding such property to deliver it to the Custodian on demand.

The Trading with the Enemy (Custodian) (Amendment) (Germany) Order, 1950

1950 No. 1730

Made - - - - 27th October, 1950

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, 1950(**d**), and

(*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.

2. 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.

3. 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,

(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. 1950 No. 1728, p. 1145 above.