



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 2772 OF 20TH SEPTEMBER, 1939.

SUBSIDIARY LEGISLATION.

No. 253.

THE TRADING WITH THE ENEMY LAW, 1939.

ORDER MADE BY THE GOVERNOR UNDER SECTION 9.

W. D. BATTERSHILL,
Governor.

In exercise of the powers vested in him by section 9 of the Trading with the Enemy Law, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

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| <p>1. This Order may be cited as the Custodian of Enemy Property Order, 1939, and shall come into operation on and from the date of its publication in the <i>Gazette</i>.</p> | <p>Citation and date of coming into operation.</p> |
| <p>2. In this Order, unless the context otherwise requires,—</p> <p>“ bank ” includes—</p> <p>(a) every company formed and registered under the provisions of the Companies (Limited Liability) Laws, 1922 to 1938, and carrying on banking business in the Colony, and</p> <p>(b) every company incorporated outside the Colony and having established a place of business in the Colony and carrying on banking business in the Colony ;</p> <p>“ company ” includes—</p> <p>(a) every company formed and registered under the provisions of the Companies (Limited Liability) Laws, 1922 to 1938, and carrying on business in the Colony, and</p> <p>(b) every company incorporated outside the Colony and having established a place of business in the Colony and carrying on business in the Colony ;</p> <p>“ Custodian ” means the person appointed by the Governor to be custodian of enemy property for the Colony under the provisions of section 9 (1) of the Law ;</p> <p>“ dividends, interest or share of profits ” means any dividends, bonus or interest in respect of any shares, stock, debentures, debenture stock or other obligations of a company, any interest in respect of any loan to a person carrying on business for the purposes of that business, and, where a person is carrying on any business on</p> | <p>Inter-pretation.</p> <p>18 of 1922
16 of 1931
4 of 1934
20 of 1938</p> <p>18 of 1922
16 of 1931
4 of 1934
20 of 1938</p> |

behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business shall be deemed to be a sum which would have been payable and paid to that enemy ;

“ enemy ” means—

(a) any State, or Sovereign of a State, at war with His Majesty,

(b) any individual resident in enemy territory,

(c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this definition, is an enemy,

(d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty,

but does not include any person by reason only that he is an enemy subject ;

“ enemy property ” means any property for the time being belonging to or held or managed on behalf of an enemy ;

“ enemy subject ” means—

(a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or

(b) a body corporate constituted or incorporated in, or under the laws of, any such State ;

“ person ” includes any bank, company, partnership, association, society, institution or body of persons, corporate or unincorporate ;

“ property ” means movable or immovable property, and includes any estate or interest in movable or immovable property, any negotiable instrument, debt or chose in action, and any other right or interest, whether in possession or not.

Vesting
enemy
property
in the
Custodian.

3. All enemy property is hereby vested in the Custodian, and the Custodian shall receive, hold, preserve, manage and deal with such enemy property pursuant to and in accordance with the provisions of this Order.

Power to
place on
deposit or
invest enemy
property.

4. The Custodian may place on deposit with any bank, or invest in any securities, approved by the Treasurer, any moneys paid to him under the provisions of this Order, or received by him from enemy property vested in him under the provisions of this Order, and any interest or dividends received on account of such deposits or investments shall be dealt with by the Custodian in such manner as the Treasurer may from time to time direct.

Payment
of debts,
dividends,
interest or
share of
profits, etc.,
payable to
enemy.

5.—(1) Any sum which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy, by way of debt, or by way of dividends, interest or share of profits, or by way of balances or deposits standing to the credit of an enemy at any bank, shall be paid by the person or bank by whom it would have been payable to the Custodian, and the payment shall be accompanied by such particulars as the Custodian may require.

(2) Any payment required to be made under sub-clause (1) of this clause to the Custodian shall be made—

(a) within fourteen days after the date of the coming into operation of this Order, if the sum, had a state of war not existed, would

have been paid before the date of the coming into operation of this Order ; and

(b) in any other case within fourteen days after it would have been paid.

(3) Where before the date of the coming into operation of this Order any such sum has been paid into any account with a bank, or has been paid to any other person in trust for an enemy, the person by whom the payment was made shall, within fourteen days after the date of the coming into operation of this Order, by notice in writing, require the bank or other person to pay the sum over to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian may require. The bank or other person shall, within one week after the receipt of the notice, comply with the requirement and shall be exempt from all liability for having done so.

(4) The receipt of the Custodian for any sum paid to him under this clause shall be a good discharge to the person paying the same as against the enemy in respect of whom the sum was paid to the Custodian.

6.—(1) Any person who has in his possession or under his control any enemy property shall—

(a) within one month after the date of the coming into operation of this Order, if the enemy property came into his possession or under his control before the date of the coming into operation of this Order, or

(b) if the enemy property comes into his possession or under his control after the date of the coming into operation of this Order, then within one month after the date when it comes into his possession or under his control,

by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian may require, and shall, at the request of the Custodian, deliver such enemy property to the Custodian.

(2) The receipt of the Custodian for any enemy property delivered to him under this clause shall be a good discharge to the person delivering the same as against the enemy in respect of whom the enemy property was delivered to the Custodian.

7. Every company shall, within one month after the date of the coming into operation of this Order, by notice in writing communicate to the Custodian full particulars of all shares, stock, debentures and debenture stock and other obligations of the company which are held by or for the benefit of an enemy ; and every partner of every firm, one or more partners of which on the commencement of the war became enemies or to which money has been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within one month after the date of the coming into operation of this Order, by notice in writing communicate to the Custodian full particulars as to any share of profits and interest due to such enemy.

8. The Custodian shall give to every person who—

(a) pays any sum to him, or

(b) delivers any enemy property to him,

under the provisions of this Order a receipt therefor under his hand.

9. The Custodian shall keep a register of all enemy property vested in him under the provisions of this Order, and such register shall be open to public inspection at all reasonable times free of charge.

Duty to notify, and deliver to, the Custodian enemy property.

Duties on companies and firms to notify the Custodian.

Custodian to give receipts.

Custodian to keep register.

Enemy property not to be attached or otherwise taken in execution except by order.

10. Enemy property vested in the Custodian under the provisions of this Order shall not be liable to be attached or otherwise taken in execution, but the Custodian may, if so authorized by an order of any District Court in which judgment has been recovered against an enemy, pay out of the enemy property paid to him in respect of that enemy, the whole or any part of any debt due by that enemy under such judgment and specified in the order :

Provided that before paying any such debt, the Custodian shall take into consideration the sufficiency of the enemy property paid to him in respect of the enemy in question to satisfy that debt and any other claims against that enemy of which notice, supported by affidavit, may have been given to him.

Power to Custodian to hold money and to manage and sell enemy property.

11. Except so far as the Governor may otherwise direct and subject to the other provisions of this Order, the Custodian—

(a) shall hold any money paid to him under the provisions of this Order, and

(b) shall manage enemy property vested in him or delivered to him under the provisions of this Order in such manner as he may think fit, and

(c) may sell enemy property vested in him or delivered to him under the provisions of this Order at such sale price and subject to such terms and conditions as he may think fit,

until the termination of the war and shall thereafter deal with such money and enemy property as the Governor may by order direct.

Custodian may obtain, or require persons to furnish him with, certain information.

12.—(1) The Custodian may—

(a) obtain any information, or

(b) require by notice any person to furnish him with any information in his possession or under his control, relating to—

(i) debts (including bank balances or deposits), and particulars thereof, due by enemies to persons residing or carrying on business in the Colony, and

(ii) property (other than debts and bank balances or deposits), and particulars thereof, held by enemies for persons residing or carrying on business in the Colony.

(2) Where a person has been required by notice to furnish the Custodian with information under the provisions of sub-clause (1) of this clause, such person shall comply with the notice as soon as conveniently may be after the receipt thereof.

(3) The Custodian shall register in a book to be kept for the purpose any information obtained by him or furnished to him under the provisions of this clause.

Responsibility of Government saved.

13. The information furnished, obtained and registered under the provisions of this Order in no way commits the Government—

(a) to responsibility for the correctness of such information, or

(b) to take any action at the conclusion of hostilities or otherwise for the recovery of any debts or property which are the subject of such information.

Determination of questions arising under this Order.

14. If under this Order any question arises—

(a) as to the amount of money due or payable or paid to, or for the account or benefit of, an enemy, or

(b) as to whether any property is enemy property or not,

such question shall be decided by the Custodian, and any person aggrieved by such decision may appeal in writing to the Governor, whose decision thereon shall be final and conclusive.

15. Costs and expenses incurred by the Custodian in respect of enemy property to which this Order applies shall be a first charge on the enemy property in respect of which such costs and expenses were incurred, and the Custodian shall reimburse himself of such costs and expenses out of such enemy property.

Costs and expenses incurred by Custodian.

16. All registers, books and accounts kept by the Custodian shall be subject to audit by the Auditor at such times as the Governor may direct.

Auditing of Custodian's accounts.

17.—(1) Where in respect of any enemy subject a detention order has been made under the provisions of regulation 62 (3) of the Emergency Powers (Cyprus Defence) Regulations, 1939, and such detention order has been confirmed by the Governor under the provisions of regulation 62 (5) of the said Regulations, any property for the time being belonging to or held or managed on behalf of such enemy subject shall vest in the Custodian and the provisions of this Order shall, so far as the same may be applicable, apply thereto.

Vesting of property of enemy subjects in Custodian.

(2) Upon the confirmation by the Governor of an order of detention under regulation 62 (5) of the said Regulations the authority by whom the order was made shall notify the Custodian of the confirmation thereof and shall furnish the Custodian with such particulars of any property of the enemy subject to whom the order relates as the Custodian may require.

18. Any person who acts in contravention of, or fails to comply with, any of the provisions of this Order shall be liable to the penalties prescribed in sub-sections (5) and (6) of section 9 of the Trading with the Enemy Law, 1939, and proceedings therefor may be taken against such person under the provisions of the said sub-sections or of section 11 of the said Law, as the case may be.

Penalties and proceedings. 16 of 1939

No. 254.

THE EMERGENCY POWERS (CYPRUS DEFENCE) REGULATIONS, 1939.

ORDER MADE BY THE COMPETENT AUTHORITY UNDER REGULATION 43.

In exercise of the powers vested in me by virtue of my appointment by the Governor as the Competent Authority for the purposes of Regulation 43 of the Emergency Powers (Cyprus Defence) Regulations, 1939, I hereby order as follows:—

1. This Order may be cited as the Defence (Regulation of Sale Prices) (Certain Petroleum Products) Order, 1939, and shall come into operation on and from the date of its publication in the *Gazette*.

2. No person shall—

(a) sell or purchase, or

(b) offer for sale or attempt to sell or purchase, or

(c) either directly or indirectly make any arrangement for the sale or purchase of,

any petroleum product in any town or village in the Colony at a price in excess of the official prices ruling therefor on the 20th day of August, 1939, plus one piastre per kilo.