



SUPPLEMENT No. 3
TO
THE CYPRUS GAZETTE No. 3630 OF 25TH JUNE, 1952.
SUBSIDIARY LEGISLATION.

No. 251. THE TRADING WITH THE ENEMY LAW.

CAP. 174.

ORDER MADE BY THE GOVERNOR UNDER SECTION 10.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 10 of the Trading with the Enemy Law, and of every other power thereunto enabling, I, the Governor, Cap. 174. do hereby order as follows:—

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

2. Without prejudice to the effect of any Order made by the Governor prior to the 7th September, 1951, 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 on the 7th September, 1951, 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 6 of the Law 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 7th September, 1951; 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.

3. There shall be excepted from the vesting to be effected by this Order—

(a) any estate or interest in land;

(b) any property which has come into the ownership of any persons by reason of any trade authorized generally or specially by, or by any person authorized in that behalf by, the Governor or the Accountant-General;

- (c) any property which at any time after the 2nd day of February, 1948, has come into the ownership of any individual who, not being either a British subject or a British protected person, possesses Japanese nationality and is resident in Bulgaria, Hungary, Roumania or Italy;
- (d) any property in respect of which any licence, consent or authority has been given under the Law or any Order made thereunder; and
- (e) any right or interest the vesting of which in the Custodian would cause forfeiture or determination of such right or interest.

4. Nothing in this Order shall be taken to require payment to the Custodian of any money, the payment of which is authorized to some other person under an authority given generally or specially by, or by any person authorized in that behalf by, the Governor or the Accountant-General.

5. The Custodian shall have the following rights and powers with regard to the property and monies referred to in clause 2 of this Order, namely:—

- (a) to sell or otherwise dispose of and transfer any such property as aforesaid;
- (b) to give a receipt or other effective discharge for any monies or other property payable or transferable to the Custodian in consequence of this Order;
- (c) to recover and sue for any such monies or property as aforesaid and to enforce the due execution of any trusts or the due administration of any estate or the performance of any such contract or agreement as aforesaid and any rights relating thereto and for that purpose to begin and prosecute or discontinue legal proceedings and to instruct counsel;
- (d) to compromise any matter and to accept any composition or any payment or transfer on account;
- (e) to employ and pay such agents as the Custodian shall think fit to employ;
- (f) to sign, seal and deliver and execute any deed or other document in connection with any such matters as aforesaid;
- (g) generally to do any act or thing that may be necessary or proper for reducing to possession, recovering, or protecting any such property and monies as aforesaid or for enforcing or making effective and complete the vesting effected by this Order and carrying out the powers, rights and duties of the Custodian in connection with the same.

Gazettes
Suppl. No. 3:
11.9.1940
31.7.1941
7. 3.1946

6. In cases in which prior to the 7th September, 1951, money would, but for the existence of a state of war, have been payable in a foreign currency to or for the benefit of a person who was an enemy, that money shall be paid to the Custodian at the rate of exchange provided by clause 3 (4) (d) of the Trading with the Enemy (Custodian) Orders, 1940 to 1946, and in cases in which money becomes payable in a foreign currency to the Custodian after the 7th September, 1951 (except in cases in which the money is payable under a contract in which provision is made for a specified rate of exchange) that money shall be paid in English currency at the middle official rate of exchange fixed by the Bank of England on the date on which the payment becomes due to the Custodian as aforesaid or the middle rate of exchange for telegraphic transfers in London on that date or if there was no such rate on that date at such rate as the Accountant-General may determine as appropriate for ascertaining the value in English currency of the money payable on that date;

Provided that if the money would be payable in a foreign currency (not being enemy currency) and the person by whom the money is payable to the Custodian is able to make immediate payment in that foreign currency (otherwise than in notes or coin) payment shall be made either in that foreign currency or in English currency converted at the official buying rate of exchange fixed by the Bank of England as the Custodian may require.

In this clause (i) the expression "foreign currency" means any currency other than English currency and (ii) the expression "enemy currency" means the currency of any area under the sovereignty of a power with whom His Majesty was at war on the 7th September, 1951.

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

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

(b) No person shall without my consent save as directed by this Order transfer, part with or otherwise deal with any such property as aforesaid.

(c) Proceedings may be taken by the Custodian in the name of the Custodian of Enemy Property and no action shall abate or be affected by any change in the person nominated as Custodian.

(d) The Custodian, acting under a general or special direction by me, may at any time pay over any particular money paid to him under this Order or transfer any particular property vested in him by this Order to or for the benefit of the person who would have been entitled thereto but for the operation of the Law or any Order made thereunder or to any person appearing to the Custodian to be authorized by such person to receive the same.

9. The Custodian shall exercise all the powers conferred on him by this Order in such manner as he may from time to time be directed by me and, subject to any such direction, as he may from time to time think fit.

10. The Interpretation Law shall apply to this Order as if it were a Law. Cap. 1.

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

"the Custodian" means the Custodian of Enemy Property appointed under section 10 of the Law;

"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, if and so long as the body is controlled by any State, individual or body of persons as aforesaid; and
- (v) as respects any business carried on in Japan any individual or body of persons (whether corporate or unincorporate) carrying on that business in Japan;

"enemy subject" means an individual who, not being either a British subject or a British protected person, possesses Japanese nationality and is resident in Germany, Bulgaria, Hungary, Roumania, Italy or Austria;

“Japan” means all territory which was under Japanese sovereignty on the 7th day of December, 1941 ;

Cap. 174.

“the Law” means the Trading with the Enemy Law ;

“property” has the same meaning as that assigned to it in section 10 of the Law ;

“securities” means annuities, stock, shares, bonds, coupons, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the Colony or transferable by delivery of any document situate in the Colony ;

Gazettes :
Suppl. No. 3:
11.9.1940
31.7.1941
7.3.1946

“Vesting Order” has the same meaning as that assigned to it in clause 4 of the Trading with the Enemy (Custodian) Orders, 1940 to 1946.

12. This Order shall be deemed to have come into operation on the 7th September, 1951.

Made this 18th day of June, 1952.

(M.P. 486/46.)

No. 252. THE TRADING WITH THE ENEMY LAW.

CAP. 174.

ORDER MADE BY THE GOVERNOR UNDER SECTION 10.

A. B. WRIGHT,
Governor.

Cap. 174.

In exercise of the powers vested in me by section 10 of the Trading with the Enemy Law, and of every other power thereunto enabling, I, the Governor, do hereby order as follows :—

1. This Order may be cited as the Trading with the Enemy (Custodian) (No. 2) Order, 1952.

2. There shall vest in the Custodian 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.

Gazette :
Suppl. No. 3:
30.10.1951.
2 of 1951

3. No fee prescribed by the Trade Marks Rules, 1951, in accordance with the provisions of section 39 of the Trade Marks Law, 1951, shall be payable by the Custodian in respect of any application or registration or other matter under the said Law with reference to any of the trade marks vested in the Custodian by this Order.

2 of 1951.

4. The Custodian shall have power to apply under section 27 of the Trade Marks Law, 1951, for the registration of his title to any of the said trade marks in the register of trade marks.

2 of 1951.

5. The 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 Law, 1951, and to sell the said trade marks and generally to deal with the said trade marks as, subject to any direction by me, in his discretion shall seem advisable.

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

7. Out-of-pocket payments duly made by the 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 Custodian out of such property and shall be chargeable accordingly.