

**No. 579. THE COURTS OF JUSTICE LAW.
CAP. 11 AND LAWS 2 AND 29 OF 1952.**

ORDER MADE UNDER SECTION 16 (5).

A. B. WRIGHT,
Governor.

Cap. 11.
2 of 1952
29 of 1952.

In exercise of the powers vested in me by section 16 (5) of the Courts of Justice Law, I, the Governor, do hereby order that the limit of the civil jurisdiction of Mr. Nicos Haji Gavriel, Magistrate, while sitting at Nicosia, be increased from fifty pounds to hundred pounds.

Made at Nicosia, this 10th day of November, 1953.

(M.P. 1171/52.)

**No. 580. THE DISTRIBUTION OF GERMAN ENEMY PROPERTY
LAW, 1953.**

ORDER MADE UNDER SECTION 3.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 3 of the Distribution of German Enemy Property Law, 1953, I, the Governor, do hereby order as follows :—

PART I.—TITLE, COMMENCEMENT AND INTERPRETATION.

1.—(1) This Order may be cited as the Distribution of German Enemy Property Order, 1953.

(2) This Order shall come into operation on the 1st day of January, 1954.

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereinafter respectively assigned to them—

(a) “the Administrator” means the Administrator of German Enemy Property appointed under this Order;

(b) “British person” means, in relation to any date,

(i) the Government;

(ii) any British subject, citizen of the Republic of Ireland or British protected person resident or carrying on business on that date in the Colony;

(iii) any body of persons (whether corporate or unincorporate) which on that date was a body incorporated or constituted under the laws in force in the Colony;

(iv) the personal representatives of any British subject, citizen of the Republic of Ireland or British protected person who died on or after the 3rd day of September, 1939, and before the relevant time and who was resident or carrying on business in the Colony at the date of his death;

(c) “Claimant” in relation to any German enemy debt means the person who under clause 21 (1) of this Order makes a claim in respect of that debt;

(d) “Custodian” means any Custodian of Enemy Property appointed by the Governor under the provisions of section 10 of the 1939 Law;

(e) “German person” means, in relation to any date,

(i) the German State;

(ii) any individual who on that date was a German national resident in Germany;

(iii) any body of persons (whether corporate or unincorporate) which on that date was a body incorporated or constituted in or under the laws of Germany;

- (f) "the Law" means the Distribution of German Enemy Property Law, 1953;
- (g) "the 1939 Law" means the Trading with the Enemy Law, as amended by or under any other Law; Cap. 174.
- (h) "relevant time" means on the 7th day of November, 1951, or, if the debt in respect of which the claim is made has been discharged between the passing of the Law and the said date, immediately before its discharge;
- (i) "trade debt" means any sum due in respect of—
- (i) goods supplied in the course of trade;
 - (ii) services incidental to goods so supplied; or
 - (iii) shipping freight, rebates or fares.

PART II.—APPOINTMENT OF THE ADMINISTRATOR.

3. The Governor shall appoint, on such terms as he may specify, an administrator who, by virtue of sub-section (3) of section 3 of the Law, shall be a corporation sole under the name of the Administrator of German Enemy Property.

4. The Administrator shall have the powers conferred upon him, and the duties imposed upon him, by this Order and by any other Order made under section 3 of the Law, and may do all such things as he may consider necessary or desirable for carrying out the powers and duties so conferred and imposed.

5. The Administrator may sue and be sued in the name of the Administrator of German Enemy Property.

6. The Administrator shall have a common seal and power to hold and acquire land.

7.—(1) The Administrator shall be assisted by such officers, agents and servants as the Governor may determine.

(2) There shall be paid out of the revenue of the Colony to the Administrator and to such officers, agents and servants such remuneration, allowances and expenses as the Governor may determine.

8. The seal of the Administrator shall be authenticated by the signature of the Administrator or some other person authorized by the Administrator to act in that behalf.

9. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Administrator by any person generally or specially authorized by him for the purpose.

10. Every document purporting to be a document duly executed or issued under the seal of the Administrator authenticated as aforesaid or purporting to be signed by the Administrator or any person authorized to act on his behalf shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

PART III.—COLLECTION AND REALIZATION OF GERMAN ENEMY PROPERTY.

11. The day on which this Order comes into operation is the appointed day for the purposes of the definition of German enemy property contained in sub-section (1) of section 2 of the Law.

12.—(1) A Custodian shall, on being so required by the Administrator, transfer to the Administrator, or as the Administrator may direct, any German enemy property which or the right to transfer which, is vested in, or otherwise in the possession or under the control of, the Custodian,

(2) The Administrator shall have power to sell any property so transferred at such price and on such terms as he may think fit.

13.—(1) The Governor may by order vest in the Administrator any German enemy property, or the right to transfer any German enemy property. Any order so made by the Governor is hereinafter referred to as a "vesting order".

(2) The Administrator shall have such rights, powers, duties and liabilities with regard to the property or the right to transfer the property vested in him by a vesting order as are prescribed by the order.

(3) A vesting order as respects property of any description shall be of like purport and effect as a vesting order as respects property of the same description made by any Court under the provisions of any Law for the time being in force in the Colony and shall be sufficient to vest in the Administrator any property, or the right to transfer any property, as provided by the vesting order without the necessity for any further conveyance, assurance or document.

(4) A vesting order may be varied or revoked by the Governor.

14. Where any requirement or direction with respect to any property is addressed to any person by the Administrator and accompanied by a certificate of the Administrator that the property is German enemy property which is required to be transferred to the Administrator, or in respect of which a vesting order has been made, the certificate shall be evidence of the facts stated therein, and if that person complies with the requirement or direction he shall not be liable to any action or other legal proceeding by reason only of such compliance.

15. If it is proved that any property which, or the right to transfer which, is transferred to or vested in the Administrator under this Order was not German enemy property the owner thereof shall be entitled to recover the property from the Administrator, or if it has been sold the proceeds of sale thereof, but shall not be entitled to any other remedy.

16.—(1) The Administrator shall not be bound by any provision in any article of association, bye-law or other rule governing a company or other body which restricts the right to transfer shares, stock or other securities or imposes any conditions as to the price at which, or the person to whom, shares, stock or other securities are to be offered or sold.

(2) Where in exercise of the powers conferred on him the Administrator executes a transfer of any shares, stock or securities the company or other body in whose book the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Administrator and upon being required by him so to do, register the shares, stock or securities in the name of the Administrator or other transferee notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Administrator is not in possession of the certificate, scrip or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or other body, or to any other lien or charge of which the Administrator or a Custodian has notice.

17. No property which, or the right to transfer which, is transferred to or vested in the Administrator shall be liable to be attached or taken in execution.

18.—(1) Except in accordance with the foregoing provisions of this Part of this Order, or with the consent of the Administrator, no person other than a Custodian shall transfer, dispose of or otherwise deal with any German enemy property; and any transfer, disposal or dealing in contravention of this paragraph shall be void.

(2) If any person called upon to pay any money or to transfer or deal with any property has reason to suspect that the money or property is German enemy property, he shall, before paying, transferring or dealing with the money or property, furnish particulars thereof to the Administrator and shall comply with any directions that the Administrator may give with respect thereto.

(3) Nothing in this clause shall prohibit or restrict the transfer or disposal of or dealing with any property or the payment of any money—

(a) by or to a Custodian, or

(b) in accordance with any direction, or with the consent, of the Governor.

19. Where any right or interest in the estate of a deceased person is German enemy property, the Administrator may act in the administration of the estate, and the Court having jurisdiction to grant letters of administration of the estate may grant such letters to the Administrator by the name of the Administrator of German Enemy Property and, for that purpose, the Court shall consider the Administrator as in law entitled equally with any other person or class of persons to obtain the grant of letters of administration.

PART IV.—EXCLUDED CLAIMS.

20. This Order shall not apply—

(a) to any claim in respect of a German enemy debt unless (in addition to the conditions prescribed in section 2 (1) of the Law) at the relevant time that debt, or the balance thereof then outstanding, was due to a British person ;

(b) to any claim in respect of a German enemy debt (other than a claim in respect of any bond described in section 2 (1) (b) of the Law) if at the relevant time that debt, or the balance thereof then outstanding, was due to a company incorporated in the Colony whose activities in the Colony on the 3rd day of September, 1939, were confined to complying with the requirements of the Companies (Limited Liability) Laws, 1922 to 1938, and to distributing profits earned abroad ;

(c) to any claim in respect of a balance at a bank expressed in a unit of German currency ;

(d) to any claim in respect of a bank note expressed in a unit of German currency or any other note so expressed which has at any time been legal tender in Germany ;

(e) to any other claim in respect of a German enemy debt expressed in a unit of German currency except—

(i) claims in respect of trade debts ;

(ii) claims in respect of loans made to German persons by persons who at the date of the loan were British persons ;

(iii) claims in respect of rent due on the 3rd day of September, 1939 ;

(iv) claims in respect of dividends on shares or stock declared before the 3rd day of September, 1939 ; and

(v) claims in respect of the use of inventions, designs, trade marks or industrial processes, or specifications, drawings or documents relating thereto or in respect of the exercise of copyright (as defined in the Copyright Act, 1911, as applied to the Colony by the Copyright Law) in literary, dramatic, musical or artistic works.

- (f) to any claim by an insurer or an insurance broker in respect of a contract of insurance or re-insurance with a German person ;
- (g) to any claim in respect of any bond of the Austrian Government International Guaranteed Loan, 1933-1953 or the Austrian Government Guaranteed Conversion Loan, 1934-1959 ;
- (h) to any claim in respect of a sum which fell due on or before the 3rd day of September, 1933, not being a claim arising out of credits, advances or other indebtedness which fell under the German Credit Agreements of 1931, 1932 or 1933 (Standstill Agreements) ;
- (i) to any claim by the trustees of any loan in respect of sinking fund or amortisation payments ;
- (j) to any claim arising out of a bond except by the owner of the bond.

PART V.—MAKING OF CLAIMS.

21.—(1) Claims for payment under this Order may be made only by the person to whom the German enemy debt giving rise to the claim, or the balance thereof then outstanding, was due at the relevant time or by an insurer who at the relevant time was entitled by subrogation to enforce payment thereof :

Provided that in the event of the death, bankruptcy, winding-up, mental incapacity, or absence from the Colony of any such person or insurer as aforesaid the claim may be made by any person authorized by him in that behalf or by any person entitled to deal with his property.

(2)—(a) Where a German enemy debt, or the balance thereof outstanding at the date of sale, together with the right to make a claim in respect thereof under this Order, is sold after the relevant time, the Administrator may accept a claim made in accordance with the following provisions of this clause from the purchaser, or any subsequent purchaser, instead of from a person mentioned in paragraph (1) of this clause :

Provided that, in the event of the death, bankruptcy, winding-up, mental incapacity or absence from the Colony of any such purchaser, the claim may be accepted from any person authorized by the purchaser in that behalf or from any person entitled to deal with his property.

(b) The person from whom a claim is accepted under the foregoing provisions of this paragraph shall be deemed to be the claimant in relation to the German enemy debt in question.

(3) Claims for payment under this Order shall be made to the Administrator within three months from the date on which this Order comes into operation or such further time as the Governor may by order made either generally or in relation to any specified class of claim direct.

(4) Claims shall be made on the appropriate form prescribed by order of the Administrator made under section 3 (5) of the Law and shall contain the information required on the form and shall be accompanied by such documents as may be so required.

(5) The Administrator may by notice in writing require the claimant to furnish within such time as may be specified in the notice such further information and documents in the claimant's possession or control as the Administrator may require for the verification of the claim.

PART VI.—AMOUNT FOR WHICH CLAIMS PERMITTED TO RANK.

22.—(1) The amount for which claims which are not excluded under Part IV of this Order may be admitted for payment shall be ascertained by the Administrator in accordance with the following provisions of this clause.

(2) In respect of claims arising out of bonds of the descriptions specified in column 1 of the Schedule hereto, the amount shall be ascertained by multiplying the capital outstanding on the 3rd day of September, 1939, in respect of the bond by the figure specified in relation to that bond in the second column of the Schedule hereto.

(3) In respect of claims arising out of credits, advances or other indebtedness which fell under the German Credit Agreement of 1939 (Standstill Agreement) and similar credits and advances made for the purpose of financing current trade by persons carrying on the business of banking in the Colony, the amount shall be ascertained by multiplying the amount due in respect of capital by 1.5.

(4) In respect of claims arising out of other loans, the amount shall be the aggregate of—

(a) the amount due in respect of interest at the passing of the Law ;

(b) the amount (if any) attributable to the loan in respect of sinking fund payments due at the passing of the Law ; and

(c) the amount (if any) due in respect of capital repayment in accordance with the terms of the loan at the passing of the Law :

Provided that the amount admitted for payment under this paragraph in respect of any loan shall not exceed 125 per cent. of the capital outstanding on the 3rd day of September, 1939.

For the purposes of this paragraph no account shall be taken of any reduction in the rate of interest or other alteration of the terms of the loan accepted for the purposes of the Anglo-German Transfer Agreement of July, 1938.

(5) In respect of claims arising out of trade debts the amount shall be calculated by multiplying the amount due at the passing of the Law (excluding any sum due in respect of interest) by 1.5.

(6) In respect of any claims arising out of any obligation not mentioned in any of the preceding paragraphs of this clause, the amount shall be the sum due at the passing of the Law :

Provided that, in calculating the amount for the purpose of claims for payments arising out of the use in Germany on or after the 3rd day of September, 1939, of inventions, designs, trade marks or industrial processes or information relating thereto under agreements made before the said date, there shall not be included in relation to any year or part of a year falling within the period beginning on the 1st day of September, 1939, and ending with the date of the passing of the Law a sum exceeding the highest amount falling due under the agreement during any one of the years 1936, 1937, 1938 or 1939, or, as the case may be, a proportionate part of such highest amount.

For the purposes of the proviso to this paragraph the amount falling due in the year 1939 shall be calculated proportionately by reference to the amount earned up to the end of August of that year.

23.—(1) Where a claim is made in respect of a debt expressed in a foreign currency the amount calculated in accordance with clause 22 hereof shall be converted into sterling at a rate to be determined by the Financial Secretary ; and the resulting sterling sum shall be the amount for which the claim may be admitted for payment under this Order.

(2) The rate determined by the Financial Secretary for any foreign currency under paragraph (1) of this clause shall, where possible, be based upon the middle rate or rates for telegraphic transfers ruling in the London market for that currency on the 31st day of August, 1939, or, if there were no such rates for that foreign currency on the said date, at the middle rate or rates for telegraphic transfers last ruling in the London market for that foreign currency before the said date, and shall, for the purpose of converting into sterling any unit of German currency, be the rate for free marks.

PART VII.—DETERMINATION AND PAYMENT OF CLAIMS.

24.—(1) The Administrator shall determine whether any claim is established for the purposes of this Order and the amount for which it may be admitted for payment, and shall serve written notice of the determination on the claimant.

(2) The determination of the Administrator in relation to any claim shall be final :

Provided that the claimant, if dissatisfied with the determination as being erroneous in point of law, may by notice in writing given within six weeks after being served with notice of determination as aforesaid and setting out the question or questions of law in respect of which it is alleged that the determination of the Administrator was erroneous, require the Administrator to state and sign a case for the opinion thereon of the Supreme Court and the decision of the Supreme Court shall be final.

(3) The Administrator shall be entitled to appear at the hearing of any case stated by him under this clause.

25. The proceeds of German enemy property collected by the Administrator shall, in so far as they are not distributed in accordance with the provisions of the next following clause, form a general fund and shall, from time to time, be distributed in paying dividends to persons whose claims have been duly established for the purposes of this Order, calculated in each case by reference to the amount for which the claim has been admitted for payment.

26.—(1) Where, in the case of a claim established for the purposes of this Order, the Administrator holds the proceeds of any German enemy property which belonged to or was held or managed on behalf of any German person from whom the debt was due, such proceeds may, if it would be more favourable to the claimant to do so, be distributed to the claimant to an extent not exceeding the amount for which the claim is admitted for payment :

Provided that the amount so distributed to any claimant of the proceeds of property which belonged to or was held or managed on behalf of any particular German person shall not exceed the amount of the German enemy debt due from him to that claimant.

(2) If more than one claim is established for the purposes of this Order in respect of debts due from the same German person and the proceeds of any German enemy property which belonged to him or was held or managed on his behalf are insufficient to make payment to the extent authorized by paragraph (1) hereof to all the claimants, any distribution under the said paragraph (1) shall be made proportionately to the amount for which each claim is admitted for payment under this Order.

(3) Any payment under this clause in respect of any claim shall be in substitution for, and not in addition to, any payment under clause 25 in respect of that claim.

(4) For the purposes of this clause German enemy property does not include property or the proceeds of property transferred to the Administrator pursuant to section 6 of the Law.

27. If a person establishes separate claims for the purposes of this Order in respect of a principal debt and of any one or more other debts entered into by way of collateral security for or guarantee of the principal debt or any part thereof, he shall only be entitled to receive payment under this Order in respect of the principal debt and not in respect of any of the other debts :

Provided that, if there are proceeds available for distribution under clause 26 in the case of any of the other debts, the Administrator may make payments

under this Order separately in respect of those debts and also in respect of the balance of the principal debt, so however, that the total amount paid shall not exceed the amount of the German enemy debt due from the principal debtor.

28.—(1) Fees shall be charged to persons whose claims in respect of German enemy debts have been established for the purposes of this Order.

(2) The amount of such fees shall be *rs.*, or such percentage (not exceeding 3 per cent.) as the Governor may from time to time determine, of the sum which may be payable to the claimant under this Order, whichever is the greater.

(3) The Administrator shall be entitled to deduct the amount of any fee from any payment which he is authorized to make to a claimant under this Order.

PART VIII.—MISCELLANEOUS.

29.—(1) Every person who at or after the coming into operation of this Order, holds, controls or manages property which is, or any right to or interest in which is, German enemy property shall, unless particulars thereof have before the coming into operation of this Order been furnished to a Custodian, within three months from the date on which this Order comes into operation, or from the date when the property, right or interest becomes German enemy property, whichever is the later, by notice in writing furnish particulars thereof to the Administrator and shall furnish the Administrator with such further information in relation thereto as the Administrator may require.

(2) Every company incorporated in the Colony and every company which, though not incorporated in the Colony has a share transfer or share registration office in the Colony shall, unless particulars thereof have already been furnished to a Custodian, within three months from the date on which this Order comes into operation by notice in writing communicate to the Administrator full particulars of all shares, stock, debentures and debenture stock, bonds or other securities issued by the company which are German enemy property; and if any shares, stock, debentures or debenture stock, bonds or other securities issued by any such company as aforesaid become German enemy property after the coming into operation of this Order, the company shall, within fourteen days after the day on which the property becomes German enemy property, by like notice communicate to the Administrator the like particulars in regard to that property.

30.—(1) If it appears to the Administrator expedient so to do for the purpose of collecting German enemy property or discharging any of his other functions, the Administrator may, by notice in writing—

(a) require any person to produce at a time and place specified in the notice, to the Administrator, or to any person nominated by him for the purpose, any books or documents specified or described in the notice, being books or documents which are in his custody or under his control, or

(b) require any person to furnish to the Administrator such returns, accounts or other information as may be specified or described in the notice, and specify the time, the manner and the form in which any such returns, accounts or information are to be furnished.

(2) The Administrator may take copies of any books or documents produced under sub-paragraph (a) of the foregoing paragraph.

31.—(1) If any member of a District Court is satisfied by information on oath that there is reasonable ground for suspecting that there is situate in or on any premises specified in the information any German enemy property or document of title or evidence relating thereto or any strong room, safe, box or other sealed receptacle which may contain any German enemy property or document of title or evidence relating thereto, he may grant a search warrant authorizing any constable, together with any other persons named in the warrant, at any time or times within one month from the date of the warrant, to enter the premises specified in the information, if necessary by force, and to search the premises and to open the strong room, safe, box or other sealed receptacle so specified.

(2) A person authorized by any such warrant as aforesaid to enter any premises or to open any strong room, safe, box or other sealed receptacle may take possession of anything therein which he has reasonable ground for suspecting to be German enemy property or a document of title or evidence relating thereto.

32.—(1) The Court may on the application of the Administrator require any person known or suspected to have in his possession or under his control any German enemy property, or any person whom the Court may consider capable of giving information with respect to the same, to attend as a witness, subject to payment or tender of reasonable expenses of his attendance, and to give evidence or produce documents before the Court or before such officer as the Court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths.

(2) The Administrator shall be entitled to appear and be represented and to examine any person required to attend under this clause.

(3) For the purposes of this clause " the Court " means a District Court.

33. A person who, having been resident in Germany at any time, seeks under sub-section (2) of section 2 of the Law to prove to the satisfaction of the Administrator, that he was not at that time a German national, must do so before the 1st July, 1954, by furnishing to the Administrator a statutory declaration (or, where the person is resident in a country other than the Colony, either a statutory declaration or, with the consent of the Administrator, such other form of declaration as may be appropriate under the law of that country) made or executed by him of the relevant facts supported by such certificates or other appropriate documents as the Administrator may require :

Provided that the Administrator shall, if the Governor so directs in pursuance of sub-section (6) of section 3 of the Law, transfer any German enemy property or the proceeds of any German enemy property held by reason of the operation of sub-section (2) of section 2 of the Law and this clause.

34.—(1) Accounts shall be prepared by the Administrator, in such form and manner and at such time as the Accountant-General may direct, of the sums received and the sums paid by him in pursuance of the Law and any Order made under section 3 thereof and the Principal Auditor shall examine and certify every such account.

(2) The Principal Auditor shall submit copies of every such certified account, together with his report thereon, to the Governor.

SCHEDULE.

Nature of obligation	Weighting Factor
Bonds of German External Loan, 1924	1.7
Bonds of German Government International 5½ per cent. Loan 1930	1.5
Konversionskasse 4 per cent. Sterling Bonds	1.4
Bonds of Potash Syndicate of Germany 25-year Sinking Fund Gold Loan	1.25
Bonds of City of Saarbruecken 6 per cent. Sterling Loan of 1928	0.7
Bonds of Austrian Government International Loan 1930	0.7
Austrian Government Credit Anstalt Bonds 1936	0.3
Bonds of City of Berlin 6 per cent. Sterling Loan 1927	1.14
Bonds of City of Cologne 6 per cent. Sterling Loan 1928	1.04
Bonds of City of Dresden 5½ per cent. Sterling Loan of 1927	1.25
City of Munich 6 per cent. Sterling Bonds	1.25
Bonds of State of Hamburg 6 per cent. Sterling Loan of 1926	0.86
Bonds of Hamburg Waterworks 6 per cent. Sterling Loan	1.04
The Free State of Saxony 6 per cent. 25-year Sterling Bonds of 1927	1.12
Bonds of Province of Westphalia 7 per cent. Sterling Loan of 1926	1.25
Prussian Electric Company 6 per cent. 25-year Sterling Bonds	1.1

Made this 21st day of November, 1953.

(M.P. 532/46/2.)

No. 581.

THE PORT WORKERS (REGULATION OF EMPLOYMENT)
LAW, 1952.

REGULATIONS MADE UNDER SECTION 5.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 5 of the Port Workers (Regulation of Employment) Law, 1952, I, the Governor, with the advice of the Executive Council, do hereby make the following Regulations:— 35 of 1952.

1. These Regulations may be cited as the Port Workers (Regulation of Employment) (Amendment) Regulations, 1953, and shall be read together with the Port Workers (Regulation of Employment) Regulations, 1952 (set out in the Schedule to the Port Workers (Regulation of Employment) Law, 1952, and hereinafter referred to as "the principal Regulations").

2. Regulation 2 of the principal Regulations is hereby amended by the deletion of the semi colon at the end of the definition of "manager" and the substitution of the following:—

"and includes an assistant manager of such employment exchange;".