

## No. 16 of 1953.

A LAW TO PROVIDE FOR THE COLLECTION AND REALIZATION OF GERMAN ENEMY PROPERTY AND FOR THE DISTRIBUTION OF THE PROCEEDS THEREOF AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

A. B. WRIGHT,]  
Governor.

[14th April, 1953.

**BE** it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

1. This Law may be cited as the Distribution of German Enemy Property Law, 1953. Short title.

Inter-  
pretation.

2.—(1) In this Law unless the context otherwise requires—  
“administrator” means the Administrator of German  
Enemy Property appointed pursuant to section 3;

“German enemy debt” means—

(a) any sum due at the commencement of this Law in  
respect of an obligation incurred before the third  
day of September, 1939, which on that day was an  
obligation of—

(i) the German State ;

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

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

to—

(iv) the Government ;

(v) any British subject or British protected person  
resident or carrying on business on that day  
in the Colony ;

(vi) any body of persons (whether corporate or  
unincorporate) which on that day was a  
body incorporated or registered in or under  
the Laws of the Colony,

so however that where any person or body of  
persons specified in sub-paragraph (v) or (vi) of this  
paragraph carried on business on the said day  
outside the Colony any sum attributed to the  
business carried on outside the Colony shall be  
excluded ;

(b) any sum not included in paragraph (a) of this sub-  
section being—

(i) a sum due at the commencement of this Law in  
respect of any bond of the German External  
Loan, 1924, or the German Government  
International 5½ per cent Loan, 1930, being  
a bond enfaced in accordance with the  
Supplementary Agreement for the execution  
of Article 2 of the Anglo-German Transfer  
Agreement of the first day of July, 1938 ;

(ii) a sum due on the seventh day of May, 1945, in  
respect of any bond of the Austrian Govern-  
ment International Loan, 1930, or the  
Austrian Government Credit Anstalt Bonds,  
1936, being a bond enfaced as aforesaid ;

(iii) a sum due on the seventh day of May, 1945, in respect of any bond of the Austrian Government International Guaranteed Loan, 1933-53, or the Austrian Government Guaranteed Conversion Loan, 1934-59, which was in the beneficial ownership of a British holder (within the meaning of Article 4 of the said Anglo-German Transfer Agreement) on the first day of July, 1938 ; or

(iv) a sum due at the commencement of this Law in respect of any bond of the Konversioskasse 4 per cent Sterling Bonds ;

“ German enemy property ” means property which, on such day as may be appointed by any Order made under section 3, is, or at any time thereafter becomes, subject to control under section 10 of the Trading with the Enemy Law, being property, or the proceeds or income of property which on or at any time after the third day of September, 1939, belonged to or was held or managed on behalf of—

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(a) the German State ;

(b) any individual who, on the said third day of September, 1939, or at any time thereafter, was a German national resident in Germany or in any territory under the sovereignty of a State which on or at any time after the said day was at war with His Majesty ;

(c) any individual who was a German national on or at any time after the said day and—

(i) was included among the persons specified in any Order under sub-section (2) of section 4 of the Trading with the Enemy Law ; or

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(ii) was a person whose property became subject to control under section 10 of the said Law at a time when he was not an enemy within the meaning of the said Law ;

(d) any body of persons (whether corporate or unincorporate) which on or at any time after the said day was a body incorporated or constituted in, or under the Laws of, Germany ; and

(e) any body of persons (whether corporate or unincorporate) which on or at any time after the said day was controlled by any such individual or body as is mentioned in paragraph (b), paragraph (c) or paragraph (d) hereof ;

“German national” does not include any person who acquired German nationality by reason of the inclusion in the German State after the first day of March, 1938, of any territory not comprised therein on that day;

“Germany” means territory comprised in the German State on the first day of March, 1938;

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

(2) For the purposes of this Law, a person who at any time was resident in Germany shall be deemed to have been a German national at that time unless it is proved to the satisfaction of the administrator, within such time and in such manner as may be prescribed by Order made under section 3, that he was not a German national at that time.

(3) For the purposes of this Law, property which, or the right to transfer which, is vested in the Custodian of Enemy Property appointed under section 10 of the Trading with the Enemy Law, shall be deemed to be subject to control under the said section 10.

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Collection,  
realization  
and distribu-  
tion of  
German  
enemy  
property.

3.—(1) The Governor may by Order make provision for the collection and realization of German enemy property and for the distribution of the proceeds thereof, to such extent as may be prescribed by the Order, to persons who establish claims in respect of German enemy debts.

(2) Without prejudice to the generality of sub-section (1), the Governor may, by any such Order, make provision as to the following matters—

(a) the appointment of an administrator for the purposes of the Order and the conferring and imposing on that administrator of such powers and duties as may be prescribed by the Order;

(b) the transfer to, and vesting of German enemy property in, the administrator, and the discharge of any person specified in the Order from liability in respect of things done or omitted to be done in relation to property transferred from him to the administrator;

(c) the manner and time in which claims in respect of German enemy debts are to be made, and the furnishing and verification of information in connection with any such claims, including the production of books and documents;

- (d) the determination, as respects any such claim, of the question whether the claim is established for the purposes of the Order and of the amount of the claim ;
- (e) the distribution from time to time of the proceeds of the realization of German enemy property to persons whose claims in respect of German enemy debts have been established for the purposes of the Order ;
- (f) the charging of fees to persons making claims in respect of German enemy debts, and the recovery of those fees by deduction from the amounts to be distributed as aforesaid or otherwise ;
- (g) the disposal of sums in the administrator's hands which, by reason of a failure to discover the whereabouts of persons to whom the sums ought to be distributed or for any other reason, it is not practicable to distribute.

(3) The administrator shall be a corporation sole under the name of the Administrator of German Enemy Property.

(4) Without prejudice to the generality of the preceding provisions of this section, any Order made under this section may—

- (a) exclude from the application of the Order such classes of claims as may be prescribed by the Order ;
- (b) differentiate between different classes of claims as respects the priority in which payments are to be made and the extent of the payments ;
- (c) make provision for enabling the proceeds of German enemy property which belonged to, or was held or managed on behalf of, a particular person or body of persons to be distributed to persons establishing claims in respect of debts due from that person or body.

(5) The administrator may by Order prescribe forms for the purposes of any Order made under the provisions of this section and in particular for the making of claims and the furnishing of information.

(6) Notwithstanding anything in this section contained, the Governor may direct the administrator to transfer to, or for the benefit of, any person any German enemy property, or the proceeds of any German enemy property, to which that person would have been entitled but for the operation of the Trading with the Enemy Law, or any Order made thereunder and the administrator shall comply with any such direction.

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(7) Where any German enemy property, on or at any time after the third day of September, 1939, belonged to, or was held or managed on behalf of, a German company, and it appears to the Governor that the company was on the said day controlled, directly or indirectly, by a Cyprus company, the Governor may treat that property for the purposes of sub-section (6), to such extent as the Governor thinks fit having regard to the extent of the interest of the Cyprus company in the German company, as property to which the Cyprus company would have been entitled but for the operation of the Trading with the Enemy Law, or any Order made thereunder.

In this sub-section the expression "German company" means a body incorporated in, or under the laws of, Germany, and the expression "Cyprus company" means a body incorporated or registered in, or under the laws of, the Colony.

Transfer of  
proceeds of  
surplus  
assets.

4. If, after all German enemy property has been collected and realised and after the net proceeds thereof have been distributed in accordance with the provisions of this Law, there shall be any surplus of such proceeds, the Governor may by Order direct the same or a portion thereof to be transferred to or held to the Order of Her Majesty's Government in the United Kingdom.

Offences.

5.—(1) If any person who—

- (a) is prohibited by or under an Order made under section 3 from dealing with any German enemy property otherwise than with the consent of the administrator; or
- (b) is required by or under such Order to transfer German enemy property to the administrator or otherwise to deal with that property in accordance with the directions of the administrator,

contravenes or fails to comply with the prohibition or requirement he shall be guilty of an offence under this section.

(2) Any person who—

- (a) without reasonable excuse fails to comply with any requirement made by or under any such Order to furnish information or to produce books or documents; or
- (b) in giving information for any purpose of any such Order knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence under this section.

(3) Any person who is guilty of an offence under this section shall be liable to imprisonment not exceeding three years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(4) Where any offence under this section has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

In this sub-section the expression "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

6. Where arrangements have been made by or on behalf of the Government with the Government of any country outside the Colony or any person acting on their behalf for the resolution of conflicting claims to German enemy property and the corresponding property under the control of the Government of that country—

Arrange-  
ments for the  
resolution of  
conflicting  
claims to  
German  
enemy  
property.

- (a) the Governor may, for the purpose of giving effect to those arrangements, by Order direct the administrator to transfer to such person as may be specified in the Order such German enemy property or proceeds thereof as may be so specified, and the administrator shall comply with any such Order; and
- (b) any property transferred in pursuance of those arrangements to any person acting on behalf of the Government shall be transferred to the administrator and shall be dealt with in like manner as German enemy property.

7. The Governor may by Order exempt from the provisions of this Law any property of any Christian religious mission.

Power to  
exempt  
certain  
property.

14th April, 1953.

J. F. SYMONS,  
*Acting Colonial Secretary.*