

CAP. 53.

CYPRUS

ENEMY PROPERTY

CHAPTER 53 OF THE LAWS

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1959

CHAPTER 53.

ENEMY PROPERTY.

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A LAW TO MAKE PROVISION AS RESPECTS THINGS DONE, IN RELATION TO ENEMY PROPERTY OR PROPERTY TREATED AS ENEMY PROPERTY, IN EXCESS OF THE POWERS CONFERRED BY THE LAW RELATING TO TRADING WITH THE ENEMY, AND AS RESPECTS INCOME FROM MONEYS INVESTED BY THE CUSTODIAN OF ENEMY PROPERTY ; AS RESPECTS COPYRIGHTS, RIGHTS IN INVENTIONS AND DESIGNS, AND OTHER RIGHTS IN OR IN CONNECTION WITH WHICH GERMAN ENEMY INTERESTS SUBSISTED, OR WERE PROPERLY TREATED AS SUBSISTING, DURING THE PERIOD OF THE WAR WITH GERMANY ; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

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[29th December, 1954.]

PART I.

PRELIMINARY.

Short title.

1. This Law may be cited as the Enemy Property Law.

2. In this Law, unless the context otherwise requires— Interpretation.

“property” means real or personal property, and includes any estate or interest in real or personal property, any money, any negotiable instrument, debt or other chose in action, and any other right or interest whether in possession or not ;

“trust” includes any obligation subsisting by virtue of a fiduciary relationship and the expression “trustee” shall be construed accordingly.

PART II.

GENERAL PROVISIONS AS TO ENEMY PROPERTY AND PROPERTY TREATED AS ENEMY PROPERTY.

3. (1) Sections 4 and 5 shall have effect as respects the making or withholding of payments as therein mentioned, and as respects other dealings with property as therein mentioned, at a time within the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the passing of this Law, where the payment was so made or withheld, or the property was so dealt with, either— Circumstances in which sections 4 and 5 are to apply.

- (a) by a competent authority acting in good faith and purporting to act under the Trading with the Enemy Law (hereinafter referred to as “the Law of 1939”) or orders made thereunder, or by such an authority acting in good faith and with intent to give effect, so far as practicable, to the purposes of section 10 of that Law (which relates to the collection of enemy debts and custody of enemy property) or to prevent that Law from being contravened ; or Cap. 99.
- (b) by any person acting in good faith and in purported compliance with a restriction or obligation imposed by or under the Law of 1939 ; or
- (c) by any person acting in good faith and in pursuance of a direction or request given or made by a competent authority purporting to act under the Law of 1939 or orders made thereunder, or given or made by a competent authority acting with such an intent as is mentioned in paragraph (a) of this subsection.

- (2) For the purposes of those sections anything done by a competent authority, or by any person in purported com-

pliance with a restriction or obligation imposed by or under the Law of 1939 or in pursuance of a direction or request of a competent authority, shall be deemed to have been done in good faith unless the contrary is proved.

Provisions as to making of certain payments and withholding of payments.

4. (1) Where at a time within the period mentioned in section 3—

- (a) a payment was made by or on behalf of any person to a competent authority ; or
- (b) a payment was withheld (whether by way of refusal or of omission to make the payment) by or on behalf of any person ; or
- (c) a payment was made by a competent authority to or for the benefit of a person as being the person who, but for the Law of 1939 or any order made thereunder, would have been entitled thereto,

then, if the payment was made or withheld in the circumstances specified in paragraph (a), (b) or (c) of subsection (1) of section 3, it shall be deemed to have been authorized by the Law of 1939 notwithstanding that apart from this section it was not so authorized, and, in the case of a payment made as mentioned in paragraph (a) of this subsection, the making thereof shall be deemed to have operated, so far as the amount thereof extended, as a release of the person by or on whose behalf it was made.

(2) Where, in the case of a payment made as mentioned in paragraph (a) or (c) of subsection (1) the payment (apart from that subsection) was not authorized by or under the Law of 1939—

- (a) if the payment was a payment to a competent authority as mentioned in the said paragraph (a), nothing in that subsection shall be construed as preventing that authority from paying the amount thereof, or any part of that amount, to or for the benefit of any person to or for whose benefit the amount or part could lawfully have been paid apart from this section ;
- (b) if the payment was a payment by a competent authority as mentioned in the said paragraph (c), nothing in that subsection shall prevent that authority from exercising any right of recovery in respect of the payment, being a right exercisable apart from this section.

5. (1) Where at a time within the period mentioned in section 3 any property was dealt with in any way other than the making or withholding of a payment as mentioned in section 4, and, whether by reason that the property was not enemy property at that time or for any other reason, the person who so dealt with the property was not empowered, as against all persons interested in the property, to deal with it in that way, then, if the property was so dealt with in the circumstances specified in paragraph (a), (b) or (c) of subsection (1) of section 3, the person who so dealt with it shall be deemed, as against all persons interested therein, to have been empowered by the Law of 1939 to deal with it in that way:

Provisions
as to other
dealings with
property.

Provided that in a case falling within either subsection (2) or subsection (3) the property shall not be deemed to have vested in the transferee otherwise than as mentioned in those subsections.

(2) If the dealing in question purported to be a transfer of the property on a sale thereof, the property shall be deemed to have vested in the transferee in accordance with the terms of the purported transfer, subject however to any incumbrances to which it would have been subject in his hands if it had then been lawfully transferred to him in those terms on a sale by the person entitled to the property.

(3) If the dealing purported to be a transfer of the property by the custodian to or for the benefit of a person as being the person who, but for the Law of 1939 or any order made thereunder, would have been entitled thereto, subsection (1) shall have effect subject to the provisions of subsection (5); but subject to the said subsection (5) the property shall be deemed to have vested in the transferee as mentioned in subsection (2).

(4) If at the time of the dealing the property was not enemy property—

(a) nothing in the foregoing provisions of this section or in subsection (3) of section 10 of the Law of 1939 (which subsection validated certain dealings with property erroneously treated as enemy property) shall operate in relation to that dealing so as to prevent a person from recovering the property or any proceeds thereof from a competent authority who for the time being has the property or proceeds in his possession or under his control; and