

CYPRUS

TRADING WITH THE ENEMY

CHAPTER 99 OF THE LAWS

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1959

CHAPTER 99.

TRADING WITH THE ENEMY.

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A LAW TO IMPOSE PENALTIES FOR TRADING WITH THE ENEMY, TO MAKE PROVISION AS RESPECTS THE PROPERTY OF ENEMIES AND ENEMY SUBJECTS, AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

1949
Cap. 174.

[3rd September, 1939.]

Short title.

1. This Law may be cited as the Trading with the Enemy Law.

PART I.

INTERPRETATION.

Interpre-
tation.

2. (1) In this Law—

“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 Her Majesty, or

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

“ enemy territory ” means any area which is under the sovereignty of, or in the occupation of, a Power with whom Her Majesty is at war, not being an area in the occupation of Her Majesty or of a Power allied with Her Majesty, and also any area which the Governor may by order direct to be treated for the purpose of this Law as enemy territory. 2 of 21/40.

(2) A certificate of the Governor that any area is or was under the sovereignty of, or in the occupation of, any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Law, be conclusive evidence of the facts stated in the certificate.

(3) In considering for the purposes of any of the provisions of this Law whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Law.

(4) For the purposes of this Law, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called ; and, for the purposes of the provisions of this Law relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act:

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

(5) Any power conferred by any of the provisions of this Law to make an order shall be construed as including a power, exercisable in the like manner to vary or revoke the order.

PART II.

TRADING WITH THE ENEMY AND MATTERS RELATING
THERE TO.

Penalties for
trading with
the enemy.
2 of 28/40.

3. (1) Any person who trades with or attempts to trade with the enemy within the meaning of this Law shall be guilty of an offence of trading with the enemy, and shall be liable—

- (a) on conviction upon information to imprisonment for seven years or to a fine or two hundred pounds or to both such imprisonment and fine; or
- (b) on summary conviction before a District Court to imprisonment for one year or to a fine of one hundred pounds or to both such imprisonment and fine,

and the Court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Law a person shall be deemed to have traded with the enemy—

- (a) if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—
 - (i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory; or
 - (ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory; or
 - (iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of this Law; or
- (b) if he has done anything which, under the following provisions of this Law, is to be treated as trading with the enemy, and any reference in this Law

to an attempt to trade with the enemy shall be construed accordingly:

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

- (i) done anything under an authority given generally or specially by, or by any person authorized in that behalf by, the Governor or the Accountant-General; or
- (ii) received payment from an enemy of a sum of money ^{2 of 15/41.} due in respect of a transaction under which all obligations on the part of the person receiving payment had already been performed when the payment was received, and had been performed at a time when the person from whom the payment was received was not an enemy.

(3) Any reference in this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(4) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy. ^{2 of 28/40.}

(5) A prosecution for an offence of trading with the enemy shall not be instituted except by, or with the consent of, the Attorney-General:

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of a prosecution for the offence has not been obtained.

4. (1) Subject to the provisions of this section, the expression “enemy” for the purposes of this Law means— ^{Definition of enemy.}

- (a) any State, or Sovereign of a State, at war with Her 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 section, is an enemy,