



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 2760 OF 6TH SEPTEMBER, 1939.
LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 16 OF 1939.

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.

W. D. BATTERSHILL,
Governor.

[6th September, 1939.]

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 Trading with the Enemy Law, 1939. Short title.

INTERPRETATION.

2.—(1) In this Law the following expressions have the meanings hereby respectively assigned to them:— Interpre-
tation.

“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 His 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 His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(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.

TRADING WITH THE ENEMY AND MATTERS RELATING THERETO.

Penalties for trading with the enemy.

3.—(1) Any person who trades 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 of 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:

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 Treasurer, or

(ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the war by reason of which the person from whom the payment was received became 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) 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 sub-section 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.

Definition
of enemy.

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

- (a) any State, or Sovereign of a State, at war with His 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, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty ;

but does not include any person by reason only that he is an enemy subject.

(2) The Governor with the prior approval of the Secretary of State may by order direct that any person specified in the order shall, for the purposes of this Law, be deemed to be, while so specified, an enemy.

Inspection
and super-
vision of
businesses.

5.—(1) The Governor, if he thinks it expedient for securing compliance with section 3 of this Law so to do, may by written order authorize a specified person (hereinafter in this section referred to as “ an inspector ”) to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

(2) If, on a report made by an inspector as respects any business, it appears to the Governor that it is expedient, for securing compliance with section 3 of this Law, that the business should be subject to supervision, the Governor may appoint a person (hereinafter in this section referred to as “ a supervisor ”) to supervise the business, with such powers as the Governor may determine.

(3) If any person, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a supervisor any document or information which he is duly requested by the inspector or supervisor so to produce or

furnish, that person shall be liable, on summary conviction, to imprisonment for six months or to a fine of twenty-five pounds, or to both such imprisonment and fine.

(4) If any person, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorized under this section to inspect, that person shall be liable, on summary conviction, to imprisonment for three years or to a fine of one hundred pounds, or to both such imprisonment and fine.

6.—(1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the Treasurer, be effective so as to confer on any person any rights or remedies in respect of the chose in action; and neither a transfer of a negotiable instrument by or on behalf of an enemy, nor any subsequent transfer thereof, shall, except with the sanction of the Treasurer, be effective so as to confer any rights or remedies against any party to the instrument.

Transfer of negotiable instruments and choses in action by enemies.

(2) The preceding sub-section shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as it applies in relation to any assignment of a chose in action.

(3) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, he shall be deemed to have thereby traded with the enemy:

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this sub-section it shall be a defence for the defendant to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the Colony or a court of a State at war with His Majesty, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the District Court any sum which, but for the provisions of sub-section (1) of this section, would be due in respect of the claim,