

**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.