



THE
NEW ZEALAND GAZETTE
 EXTRAORDINARY.

Published by Authority.

WELLINGTON, TUESDAY, AUGUST 5, 1919.

War Regulations as to Enemy Property.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, the fifth day of August, 1919.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section three of the War Regulations Amendment Act, 1916, it is enacted that the Governor-General in Council may by regulations make such provisions as he thinks advisable with respect to enemy property :

And whereas on the third day of April, one thousand nine hundred and sixteen, certain regulations were made under the War Regulations Act, 1914, appointing the Public Trustee as the Custodian of Enemy Property, and making other provisions with respect to such property :

And whereas it has now become necessary to make further provision in the same matter :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance of the authority so conferred on him by section three of the War Regulations Amendment Act, 1916, and of all other authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of that Dominion, doth hereby make the following regulations.

REGULATIONS.

1. THESE regulations may be cited as the Enemy Property Regulations, 1919.

2. In these regulations—

“Enemy” means and includes any person who is or at any time since the commencement of the war with Germany has been resident in enemy territory as herein defined (otherwise than as a prisoner of war or a member of His Majesty’s Forces), and any firm which has or at any such time has had its chief place of

business in enemy territory, and any company or body corporate incorporated in enemy territory :

“ Enemy territory ” means any territory in Europe which at the commencement of the war with Germany formed part of the German Empire, or of the Empire of Austria-Hungary, or of the Kingdom of Bulgaria, or of the State of Turkey :

“ Enemy property ” means property of any kind whatever which belongs or at any time since the commencement of the war with Germany has belonged to an enemy, or in which an enemy has or at any such time has had an interest (other than property which now belongs exclusively to persons, firms, or companies in New Zealand, and in which no enemy has any longer any interest), and includes all moneys which are the revenues of enemy property or are the proceeds of the sale, realization, or disposition thereof, and all moneys which are on any account whatever payable to or for the benefit of an enemy.

3. Nothing in these regulations shall apply to any property which first becomes enemy property after the termination of the war with Germany, unless that property consists of the proceeds of the sale, realization, or disposition of property which was enemy property during that war, or consists of rents, profits, interest, or other revenues derived from property which was enemy property during that war.

4. It shall not be lawful for any person, without the consent of the Attorney-General, directly or indirectly to send or transmit any enemy property out of New Zealand, or to deal with enemy property in any manner whatever with intent to reduce such property or the proceeds of the sale, realization, or disposition thereof into the possession of an enemy or of any person out of New Zealand on behalf of an enemy, or with intent otherwise to make the same available out of New Zealand by or for the benefit of an enemy.

5. The Public Trustee shall act as the Custodian of Enemy Property under these regulations.

6. (1.) On or before the 1st day of September, 1919, every person who at the date of these regulations holds or has the possession, management, or control of any enemy property shall, by notice in writing, communicate the fact, together with full particulars of such property, to the Custodian of Enemy Property at Wellington.

(2.) This clause shall not apply to enemy property of which full particulars have been already supplied to the Custodian in accordance with the aforesaid regulations of the 3rd day of April, 1916.

7. Every person who for the time being holds or has the possession, management, or control of any enemy property shall from time to time give to the Custodian of Enemy Property such information with respect thereto as the Custodian may require.

8. Money owing or payable to an enemy or to any person on behalf of an enemy shall be deemed to be enemy property held by the person by whom it is payable, and also by the agent, attorney, or representative of that person in New Zealand.

9. Property owned jointly or in common by an enemy and by any person in New Zealand shall be deemed to be enemy property held by such person in New Zealand.

10. Shares owned by or on behalf of an enemy in any company incorporated in New Zealand shall be deemed to be enemy property held by that company.

11. No person shall by any false, misleading, or incomplete statement deceive or attempt to deceive the Custodian in any matter relating to enemy property.

12. All persons owing money due to an enemy, or having in their possession any money due and payable to or held in trust for or held on account of an enemy, shall on demand made by the Custodian of Enemy Property forthwith, or so soon as may be reasonably practicable, pay such money to the Custodian.

13. All persons having in their possession any enemy property, being share-certificates, debentures, bonds, instruments of mortgage or other securities for money, or documents of title to land or any interest therein, shall on demand made by the Custodian of Enemy Property forthwith deliver the same to the Custodian.

14. All bank balances and other sums payable on demand shall for the purposes of these regulations be deemed to become or to have become due and payable at any time at which such demand might lawfully have been made in time of peace.

15. All moneys received by the Public Trustee as the Custodian of Enemy Property under these regulations shall be invested in accordance

with the directions of the Minister of Finance, and subject to and in default of such direction shall form part of the common fund of the Public Trustee, but no interest shall be payable thereon.

16. No person shall, without the permission of the Attorney-General, pay to the assignee of an enemy, or any person claiming through an enemy, any money which he could not lawfully pay to the enemy himself, whether the title of such assignee or person claiming through an enemy has accrued before or after the coming into operation of these regulations.

17. No person shall, without the permission of the Attorney-General, be in any manner concerned in the transfer of any enemy property from an enemy to any other person, or in the acquisition by any person of any charge or other interest in or over any enemy property, or in the registration or recording of any such transfer or acquisition.

18. (1.) The Attorney-General may, by order signed by him and gazetted, vest any enemy property or any specified estate or interest in enemy property in the Custodian of Enemy Property, and such property, estate, or interest shall thereupon vest in the Public Trustee accordingly as if it had been lawfully and with full authority transferred to the Public Trustee by all persons entitled thereto.

(2.) When any such order relates to any estate or interest in land under the Land Transfer Act, 1915, it shall be the duty of the District Land Registrar to register the Public Trustee as the proprietor of that estate or interest, on production by the Public Trustee of a printed copy of the *Gazette* containing the order.

(3.) The property, estate, or interest to which any such order relates shall be held by the Public Trustee on trust for the person or persons who would have been entitled thereto if no such order had been made, and with such powers of sale, realization, or disposition as the Attorney-General may by the same or any subsequent gazetted order from time to time declare.

19. So long as the Custodian of Enemy Property acts in good faith in the exercise of the powers, duties, and trusts conferred or imposed upon him by or in pursuance of these regulations, he shall be under no civil liability to any person whatever for any error, act, or default.

F. W. FURBY,
Acting Clerk of the Executive Council.

