



# Distribution of German Enemy Property Act 1949

1949 CHAPTER 85 12 13 and 14 Geo 6

## **1 Collection, realisation and distribution of German enemy property.**

- (1) His Majesty may by Order in Council make provision for the collection and realisation of German enemy property and for the distribution of the proceeds thereof, to such extent as may be prescribed by the Order, to persons who establish claims in respect of German enemy debts.
- (2) Without prejudice to the generality of the preceding subsection, an Order in Council under this section may make provisions as to the following matters:—
  - (a) the appointment by the Board of Trade of an administrator for the purposes of the Order, and the conferring and imposing on that administrator of such powers and duties as may be prescribed by the Order;
  - (b) the transfer and vesting of German enemy property to and in the administrator, and the discharge of any person specified in the Order from liability in respect of things done or omitted to be done in relation to property transferred from him to the administrator;
  - (c) the manner and time in which claims in respect of German enemy debts are to be put forward, and the furnishing and verification of information in connection with any such claims, including the production of books and documents;
  - (d) the determination, as respects any such claim, of the question whether the claim is established for the purposes of the Order and of the amount of the claim;
  - (e) the distribution from time to time of the proceeds of the realisation of German enemy property to persons whose claims in respect of German enemy debts have been established for the purposes of the Order;
  - (f) the charging of fees to persons making claims in respect of German enemy debts, and the recovery of those fees by deduction from the amounts to be distributed as aforesaid or otherwise;

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**Changes to legislation:** There are currently no known outstanding effects for the Distribution of German Enemy Property Act 1949, Section 1. (See end of Document for details)

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- (g) the disposal of sums in the administrator's hands which, by reason of a failure to discover the whereabouts of persons to whom the sums ought to be distributed or for any other reason, it is not practicable to distribute.
- (3) The administrator appointed under this section shall be a corporation sole under the name of the Administrator of German Enemy Property, and is in this Act referred to as "the administrator".
- (4) Without prejudice to the generality of the preceding provisions of this section, an Order in Council made under this section may—
- (a) exclude from the application of the Order such classes of claims as may be prescribed by the Order;
  - (b) differentiate between different classes of claims, as respects the priority in which payments are to be made and the extent of the payments;
  - (c) make provision for enabling proceeds of German enemy property which belonged to, or was held or managed on behalf of, a particular person or body of persons to be distributed to persons establishing claims in respect of debts due from that person or body.
- (5) The Board of Trade may by order prescribe forms for the purposes of any Order in Council made under this section and in particular for the making of claims and the furnishing of information.
- (6) Notwithstanding anything in this section, the Board of Trade may give a direction to the administrator requiring him to transfer to or for the benefit of any person specified in the direction any German enemy property, or the proceeds of any German enemy property, to which that person would have been entitled but for the operation of the Trading with the <sup>M1</sup>Enemy Act 1939, or any order made thereunder, and the administrator shall comply with any such direction.
- (7) Where any German enemy property, on or at any time after the third day of September, nineteen hundred and thirty-nine, belonged to, or was held or managed on behalf of, a German company, and it appears to the Board of Trade that the company was on the said day controlled, directly or indirectly, by a United Kingdom company, the Board may treat that property for the purposes of the last preceding subsection, to such extent as the Board think fit having regard to the extent of the interest of the United Kingdom company in the German company, as property to which the United Kingdom company would have been entitled but for the operation of the Trading with the <sup>M2</sup>Enemy Act 1939 or any order made thereunder.

In this subsection, the expression "German company" means a body incorporated in, or under the laws of, Germany, and the expression "United Kingdom company" means a body incorporated in, or under the laws of, the United Kingdom.

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**Modifications etc. (not altering text)**

- C1** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), [art. 2](#) (1)(a)
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**Marginal Citations**

- M1** 1939 c. 89  
**M2** 1939 c. 89.

**Changes to legislation:**

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