



# Trading with the Enemy Act

1939 CHAPTER 89 2 and 3 Geo 6

*Trading with the Enemy and matters relating thereto*

## 1 Penalties for trading with the enemy.

- (1) Any person who trades with [<sup>F1</sup>or attempts to trade with] the enemy within the meaning of this Act shall be guilty of an offence of trading with the enemy, and shall be liable—
- (a) on conviction on indictment, to [<sup>F2</sup>imprisonment] for a term not exceeding seven years or to a fine or to both such [<sup>F2</sup>imprisonment] and a fine, or
  - (b) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and such 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 Act 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 Act; or
  - (b) if he has done anything which, under the following provisions of this Act, is to be treated as trading with the enemy:

[<sup>F1</sup>and any reference in this Act to an attempt to trade with the enemy shall be construed accordingly.]

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

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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 authorised in that behalf by, a Secretary of State, the Treasury or the Board of Trade, 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 [<sup>F3</sup>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.

[<sup>F4</sup>(3A) 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.]

- (4) A prosecution for an offence of trading with the enemy shall not be instituted in England or Northern Ireland except by, or with the consent of, the Director of Public Prosecutions or the Attorney General for Northern Ireland, as the case may be: . . . <sup>F5</sup>

#### Textual Amendments

- F1** Words inserted by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#), **Sch. 2 para. 2(1)**
- F2** Word substituted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), **s.1(1)**, [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\)](#), **s.1(1)** and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 221(1)**
- F3** Words substituted by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#), **Sch. 2 para. 2(2)**
- F4** [S. 1\(3A\)](#) inserted by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#) **Sch. 2 para. 2(4)**
- F5** Proviso repealed by [Criminal Jurisdiction Act 1975 \(c. 59\)](#), **Sch. 6 Pt. I**

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

- C1** [S.I.](#) excluded by [Patents, Designs, Copyright and Trade Marks \(Emergency\) Act 1939 \(c. 107\)](#), **ss. 1(1), 4(1)(4), 5(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Trading with the Enemy Act, Section 1.