
STATUTORY INSTRUMENTS

1952 No. 5

**TRANSFER OF NEGOTIABLE
INSTRUMENTS, ETC**

The Trading With the Enemy (Transfer of Negotiable
Instruments, Etc.) (Germany) Order, 1952

Made - - - - 1st January 1952

The Treasury, in pursuance of the powers conferred upon them by section 4 of the Trading with the Enemy Act, 1939 (which renders ineffective, except with the sanction of the Treasury, the transfer by or on behalf of enemies of negotiable instruments and choses in action) and of all other powers enabling them in that behalf, hereby make the following Order.

1. The Treasury do hereby sanction

- (a) any assignment of a chose in action which, on or after the date of this Order, comes into the ownership of an authority or a person to whom this Order applies,
- (b) any transfer of a negotiable instrument issued on or after that date, and
- (c) any transfer of any security transferable by delivery, not being a bond, a coupon or a negotiable instrument, which on or after that date comes into the ownership of an authority or a person to whom this Order applies,

being an assignment or transfer made on or after the date of this Order by reason of any trade authorised by Article 1 of the Trading with the Enemy (Authorisation) (Germany) Order, 1952⁽¹⁾, by or on behalf of an authority or a person to whom this Order applies.

2. This Order applies

- (i) to any government, public or other authority in Germany;
- (ii) to any individual resident in Germany;
- (iii) as respects any business carried on in Germany, to any individual or body of persons (whether corporate or unincorporate) carrying on that business.

3. For the purposes of this Order “Germany” means Berlin and the French, British, American and Russian Military Zones of Germany as established by the statement by the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the Provisional Government of the French Republic on the zones of occupation in Germany on the 5th

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June, 1945, and also those parts of the former German Reich which are at present administered by the Union of Soviet Socialist Republics.

4. In the application of this Order to Scotland “choses in action” means “right of action or incorporeal moveable”.

5. The Trading with the Enemy (Transfer of Negotiable Instruments, etc.) (Germany) Order, 1950(2), is hereby revoked.

6.—(1) This Order may be cited as the Trading with the Enemy (Transfer of Negotiable Instruments, etc.) (Germany) Order, 1952.

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

On behalf of the Treasury,

Dated this 1st day of January, 1952

Herbert Brittain
Third Secretary

EXPLANATORY NOTE

By an order dated 1st January, 1952 (S.I. 1952 No. 4) the Board of Trade have amended the Trading with the Enemy (Custodian) Order so that its provisions cease to apply to money accruing in respect of certain German owned copyright remitted to persons specified in the Order on or after 1st January, 1952, within the authority given therein. The present Treasury Order sanctions transfers and assignments of choses in action, negotiable instruments and certain securities transferable by delivery which may be made to such persons on or after the date of this Order.