



Trading with the Enemy Act

1939 CHAPTER 89 2 and 3 Geo 6

General and Supplementary Provisions

8^{F1}

Textual Amendments

F1 S. 8 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

9 False statements and obstruction.

- (1) If any person, for the purpose of obtaining any authority or sanction under this Act, or in giving any information for the purposes of this Act or of any order made thereunder, knowingly or recklessly makes a statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [^{F2}level 3 on the standard scale] or to both such imprisonment and such fine.
- (2) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by or under this Act shall be liable on summary conviction to a fine not exceeding [^{F2}level 3 on the standard scale].

Textual Amendments

F2 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) by 1984/703 (N.I. 3), arts. 5, 6

10 Offences by corporations.

Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to

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any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

11 Expenses of, and exercise of powers by, Board of Trade.

- (1) The expenses incurred for the purposes of this Act by the Board of Trade shall be defrayed out of moneys provided by Parliament.
- (2)^{F3}

Textual Amendments

F3 S. 11(2) repealed by [Industrial Expansion Act 1968 \(c. 32\)](#), **Sch. 4**

12 Evidence of authority or sanction of Secretary of State, Treasury or Board of Trade.

Any document stating that any authority or sanction is given under any of the provisions of this Act by a Secretary of State, the Treasury or the Board of Trade, and purporting to be signed on behalf of the Secretary of State, the Treasury or the Board of Trade, or by a person who is empowered by this Act to do anything which may be done thereunder by the Board, shall be evidence of the facts stated in the document.

13 Application to Scotland.

In the application of this Act to Scotland, “chose in action” means “right of action or incorporeal moveable,” “defendant” means “person accused,” and “real or personal property” means “heritable or moveable property.”

14 Extension of Act to colonies, &c.

His Majesty may by Order in Council direct that the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be prescribed by or under the Order—

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to . . .^{F4} any colony,
- (c) to any British protectorate,
- (d) to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty’s Government in the United Kingdom, and
- (e) (to the extent of His Majesty’s jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction.

Textual Amendments

F4 Words repealed by [Newfoundland \(Consequential Provisions\) Act 1950 \(c.5\)](#), s.1, **Sch. Pt I**.

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Modifications etc. (not altering text)

- C1** Reference to foreign country to be construed as not including Republic of Ireland: [Ireland Act 1949 \(c. 41\), s. 2\(1\)](#)

15 Interpretation.

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

“enemy subject” means—

- (a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State; and

“enemy territory” means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

- [^{F5}(1A) The Board of Trade may by order direct that the provisions of this Act shall apply in relation to any area specified in the order as they apply in relation to enemy territory, and the said provisions shall apply accordingly].

- (2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Act, be conclusive evidence of the facts stated in the certificate.
- (3) In considering for the purposes of any of the provisions of this Act whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Act.
- (4) For the purposes of this Act, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Act relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act: Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.
- (5) Any power conferred by the preceding provisions of this Act to make an Order in Council or an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the Order in Council or order.

Textual Amendments

- F5** S. 15(1A) inserted by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\), Sch. 2 para. 8](#)

16 Savings of rights of Crown.

This Act shall be without prejudice to the exercise of any right or prerogative of the Crown.

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17 Short title, commencement and repeal.

(1) This Act may be cited as the Trading with the Enemy Act 1939.

^{F6}(2)

^{F6}(3)

Textual Amendments

F6 S. 17(2)(3) repealed (8.11.1995) by 1995 c. 44, s. 1 Sch. 1 Pt. VI Group 1

Changes to legislation:

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