
THE TRADING WITH THE ENEMY (CUSTODIAN) (AMENDMENT)
(NO. 2) ORDER, 1945, DATED NOVEMBER 10, 1945,
MADE BY THE BOARD OF TRADE UNDER SECTION 7 OF
THE TRADING WITH THE ENEMY ACT, 1939 (2 & 3
GEO. 6. C. 89).

1945 No. 1414

The Board of Trade in exercise of the powers conferred upon them by Section 7 of the Trading with the Enemy Act, 1939 (hereinafter referred to as “ the Act ”), and of all other powers enabling them in that behalf do hereby make the following Order:—

1. Article 1 of the Trading with the Enemy (Custodian) Order, 1939(a), (in this Order referred to as “ the Principal Order ”) requiring payment of certain moneys to the Custodian shall not apply to any money which would, but for the existence of a state of war, be payable to or for the benefit of any person within the description contained in Article 3 of this Order when—

- (a) the money is payable in respect of a debt expressed as payable in foreign currency (not being enemy currency),
- (b) the debtor had before that person became an enemy acquired a draft or telegraphic or mail transfer in that currency for the purpose of making such payment and
- (c) the debtor has notified the Custodian of particulars of the draft or transfer acquired by him and of the debt in respect of which it was acquired.

2. The following definition shall be substituted for the definition of “ enemy currency ” in sub-paragraph (d) of paragraph (iv) of Article 1 of the Principal Order:—

- (ii) the expression “ enemy currency ” means
the currency of any area under the sovereignty of a power with whom His Majesty is at war.

(a) S. R. & O. 1939 No. 1198 p. 137 above.

3. This Order applies—

- (a) to any individual resident in territory not being an area under the sovereignty of a Power with whom His Majesty is at war,
- (b) as respects any business carried on in any such territory to any individual or body of persons (whether corporate or unincorporate) carrying on that business,
- (c) as respects any business carried on in any territory which is neither enemy territory nor an area which is for the time being to be treated as enemy territory for the purposes of Section 7 of the Act in accordance with the provisions of Regulation 6 or Regulation 7 of the Defence (Trading with the Enemy) Regulations, 1940(a), to any body of persons (whether corporate or unincorporate) carrying on that business if and so long as the body is controlled by any individual resident in or body of persons carrying on business in any such territory as is referred to in paragraph (a).

4. Article 4 of the Trading with the Enemy (Custodian) Order, 1939, shall not apply to any draft or transfer referred to in Article 1 (b) of this Order.

5. This Order may be cited as the Trading with the Enemy (Custodian) (Amendment) (No. 2) Order, 1945.

Dated this 10th day of November, 1945.

E. H. Hodgson,

A Secretary of the Board of Trade.

(a) S. R. & O. 1940 (No. 1092) II, p. 238; 1941 (No. 51) II, p. 202; 1942 (No. 306) II, p. 198; 1943 (No. 1034) II, p. 77 and 1944 (No. 1123) II, p. 55. See also Note at the commencement of this title.