

BILL NO. 18 OF 1957.

THE DISTRIBUTION OF ENEMY PROPERTY BILL, 1957.

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A BILL

Intituled

AN ORDINANCE TO PROVIDE FOR THE DISTRIBUTION OF GERMAN ENEMY PROPERTY IN THE PAYMENT OF DEBTS INCURRED BY GERMAN PERSONS TO BRITISH PERSONS IN THE COLONY.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Distribution of Enemy Property Ordinance, 1957. Short title.

2. (1) In this Ordinance —

“British person” means a British subject or British protected person resident or carrying on business in the Colony or any body of persons (whether corporate or unincorporate) incorporated or constituted under the laws of the Colony; Interpretation.

“Germany” means territory comprised in the German State on the 1st March, 1938;

“German national” does not include any person who acquired German nationality by reason of the inclusion in the German State or territory not comprised therein on 1st March, 1938;

“German person” means any German national resident in Germany or any body of persons (whether corporate or unincorporate) incorporated or constituted in or under the laws of Germany;

“the Custodian” means the Custodian of Enemy Property appointed under the provision of section 10 of the Trading with the Enemy Ordinance.

(2) for the purposes of this Ordinance, a person who on or before the 3rd September, 1939, was resident in Germany shall be deemed to be a German national unless it is proved to the satisfaction of the Custodian in such manner and within such time as he may prescribe, that he was not a national at that time. Cap. 357.

3. All moneys held or controlled by the Custodian under the provisions of section 10 of the Trading with the Enemy Ordinance together with any interest payable thereon (hereinafter referred to as “the fund”), are hereby vested in the Custodian. Vesting of enemy money in the Custodian.

4. (1) Where at the commencement of this Ordinance any sum is due to any British person (hereinafter referred to as a “creditor”), in respect of an obligation incurred before the 3rd September, 1939, by any German person, such creditor may, within such time as shall be notified by the Custodian by notice published in the Gazette, and one daily newspaper circulating in the Colony, lodge a claim with the Custodian in respect of such debt in such manner as shall be specified in such notice. Claims in respect of German enemy debts.

(2) The personal representative of a deceased creditor may lodge a claim with the Custodian under the provisions of subsection (1) of this section.

(3) It shall be the duty of the Custodian to investigate every claim made under the provisions of this section.

(4) Where any creditor or the personal representative of any deceased creditor establishes to the satisfaction of the Custodian the existence of the debt in respect of which a claim has been lodged under the provisions of subsection (1) of this section, the Custodian shall pay to such creditor or personal representative as the case may be, the sum due under the debt from the fund.

(5) Any person aggrieved by the decision of the Custodian may appeal to the Governor in Council whose decision shall be final.

(6) Subject to the provisions of section 8 of this Ordinance the provisions of this section shall not apply to any debt incurred in respect of any business established and carried on outside of the Colony by any person residing in the Colony.

Payment of surplus balance of fund into revenue.

5. The Custodian shall, subject to the provisions of section 10 of this Ordinance, as soon as possible after the investigation and payment of all claims made under the provisions of section 4 of this Ordinance, pay any surplus balance of the fund remaining in his hands into the general revenue of the Colony.

Immunity of Custodian from actions in respect of things done or omitted to be done.

6. No action shall lie against the Custodian for anything done or omitted to be done in good faith in the performance of his duties under the provisions of this Ordinance.

Penalty for false statement.

7. Any person who knowingly or recklessly makes or causes to be made to the Custodian any false statement in relation to any claim made under the provisions of section 4 of this Ordinance shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment for six months.

Power of Governor in Council to give direction.

8. Notwithstanding the provisions of section 4 of this Ordinance the Governor in Council may where he thinks it just so to do give directions in writing to the Custodian with respect to the disposition or transfer of any part of the fund to any person.

Orders in Council.

9. (1) The Governor in Council may from time to time by Order make provision with respect to any act required to be done for the better carrying out of the provisions of this Ordinance.

(2) Any Order made under the provisions of this section may be varied or revoked by any subsequent Order.

Expenses to be borne by the fund.

10. Any costs or expenses incurred by the Custodian in carrying out any of the provisions of this Ordinance shall be borne by the fund.

OBJECTS AND REASONS

This Bill seeks to make provision for the distribution of German enemy property which is at present held by the Custodian of Enemy Property in the payment of debts owing by German national at the commencement of the war to persons in this Colony and for the payment into the general revenues of the Colony any surplus balance remaining.

2. The various clauses of the Bill are self-explanatory.

M. S. PORCHER,
Acting Chief Secretary.

(M.P.S. 140/23/1 IV)
(Leg. Bill No. 18/1957)