



# Enemy Property Act 1953

## 1953 CHAPTER 52

### PART III

#### SUPPLEMENTARY

#### 14 General provision as to certificates

Any document purporting to be a certificate issued for the purposes of this Act and to be so issued by or on behalf of the Minister or Board in charge of a Government department shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate so issued.

#### 15 Interpretation

- (1) In this Act, unless the context otherwise requires, the expression " property " means real or personal property, and includes any estate or interest in real or personal property, any money, any negotiable instrument, debt or other chose in action, and any other right or interest whether in possession or not, the expression " trust " includes any obligation subsisting by virtue of a fiduciary relationship and the expression " trustee " shall be construed accordingly, and references to a Government department and to a Minister of the Crown include respectively references to a department of the Government of Northern Ireland and (in relation to a department of that Government) to a Minister of Northern Ireland.
- (2) In this Act, unless the context otherwise requires, references to the Act of 1939 shall be construed as references to that Act as amended by the Defence (Trading with the Enemy) Regulations, 1940, and as including references to so much of those Regulations as did not consist of amendments of the Act of 1939, references to any enactment not contained in that Act shall be construed as references to that enactment as amended by or under any other enactment, and references to the said Regulations of 1940 shall be construed as references to those Regulations as amended from time to time and as including references to the provisions set out in the Second Schedule to the Emergency Laws (Miscellaneous Provisions) Act, 1953 (which by section two of that Act were substituted for those Regulations).

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*Status: This is the original version (as it was originally enacted).*

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- (3) In the application of this section to Scotland the expression " real or personal property " means heritable or moveable property and. the expression " chose in action " means a right of action or incorporeal moveable.

## **16 Application to Isle of Man and Channel Islands**

- (1) This Act shall extend to the Isle of Man and the Channel Islands.
- (2) References in this Act to the Act of 1939 shall include references to that Act as it extends to the Isle of Man and the Channel Islands respectively.

## **17 Operation of Act as respects pending proceedings, etc.**

- (1) Nothing in this Act shall affect the determination of any proceedings begun before the seventeenth day of March, nineteen hundred and fifty-three, or of any appeal, whether brought before or after the passing of this Act, being either—
- (a) an appeal against an order made in such proceedings, or
  - (b) an appeal against the decision of an appeal falling within the foregoing paragraph.
- (2) Where any proceedings have been begun on or after the said seventeenth day of March but before the passing of this Act, and no final order has been made in the proceedings before the passing of this Act, the foregoing provisions of this Act shall have effect for the purposes of the proceedings notwithstanding that they were not in operation at the time when the proceedings were begun.
- (3) Where any proceedings have been begun as mentioned in the last foregoing subsection and a final order has been made in the proceedings before the passing of this Act, then, on the application of any person against whom the order is enforceable, being an application made within three months from the date of the passing of this Act,—
- (a) the court by which the order was made, if in its opinion the order would not have been made, or a different order would have been made, if this Act had been in operation when the proceedings were begun, shall rescind or vary the order accordingly, and
  - (b) pending the determination of the application, the court may stay execution on the order, or any proceedings for the enforcement thereof, including any proceedings on any bankruptcy petition or winding-up petition founded on the non-payment of money due under the order.
- (4) In this section the expression " order " includes a judgment and references to the making of an order shall be construed accordingly.
- (5) In the application of this section to Scotland the expression " order " includes a decree, the expression " stay " means sist, and the expression " bankruptcy petition " means a petition for sequestration.

## **18 Short title and extent**

- (1) This Act may be cited as the Enemy Property Act, 1953.
- (2) It is hereby declared that this Act extends to Northern Ireland.

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*Status: This is the original version (as it was originally enacted).*

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## TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Patents and Designs Act, 1907	7 Edw. 7. c. 29.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Trading with the Enemy Act, 1939	2 & 3 Geo. 6. c. 89.
Exchange Control Act, 1947	10 & 11 Geo. 6. c. 14.
Treaties of Peace (Italy, Roumania, Bulgaria, Hungary and Finland) Act, 1947	10 & 11 Geo. 6. c. 23.
Distribution of German Enemy Property Act, 1949	12, 13 & 14 Geo. 6. c. 85.
Patents Act, 1949	12, 13 & 14 Geo. 6.c. 87.
Registered Designs Act, 1949	12, 13 & 14 Geo. 6.c. 88.
Japanese Treaty of Peace Act, 1951	15 & 16 Geo. 6. & 1 Eliz. 2. c. 6.
Emergency Laws (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 47.