

(6) Insolvency

THE TRADING WITH THE ENEMY (INSOLVENCY) ORDER, 1940, DATED AUGUST 4, 1940, MADE BY THE BOARD OF TRADE UNDER SECTION 7 OF THE TRADING WITH THE ENEMY ACT, 1939 (2 & 3 GEO. 6. C. 89).

1940 No. 1419

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

1. Where any company goes into winding up or a person becomes bankrupt or enters into a Deed of Arrangement or where a debtor enters into a composition or a scheme of arrangement pursuant to Section 16 of the Bankruptcy Act, 1914, the benefit of all debts and of all claims which would but for the existence of a state of war be provable by an enemy in the winding up or in the bankruptcy or under the Deed of Arrangement composition or scheme of arrangement as the case may be and of all securities therefor shall forthwith stand vested in the Custodian.

2. The Custodian shall in relation to any such debt or claim be entitled to prove in the winding up or bankruptcy or under the Deed of Arrangement as the case may be, to settle and agree accounts, to compromise disputed matters, to appeal from any rejection of a proof and otherwise to take in relation thereto such proceedings as he may think fit.

3. It shall be the duty of the Liquidator in the winding up of a company, the trustee in any bankruptcy and of the trustee under any Deed of Arrangement and (except where a return has been duly made

4 & 5 Geo. 5.
c. 59.

under clause 4 of this Order) of the trustee under any such composition or scheme as aforesaid within 14 days of the facts coming to his knowledge to make a return in writing to the Custodian of all debts and claims vested in the Custodian by virtue of this Order and provable in such winding up or bankruptcy or under such Deed of Arrangement or under such composition or scheme and to furnish such accounts and information and produce for inspection such documents in relation thereto as the Custodian may require.

4. It shall be the duty of a debtor who proposes to make or enter into any such composition or scheme of arrangement as aforesaid within 14 days of his lodging his proposal to make a return in writing to the Custodian of all debts and claims which will vest in the Custodian by virtue of this Order if such composition or scheme be approved by the Court and to furnish such accounts and information and produce for inspection such documents in relation thereto as the Custodian may require.

5. The Custodian shall exercise all the powers conferred on him by this Order in such manner as he may from time to time be directed by the Board of Trade and subject to any such direction as he may from time to time think fit.

6.—(i) The Interpretation Act, 1889 shall apply to this Order as if it were an Act of Parliament. 52 & 53 Vict.
c. 63.

(ii) In this Order the expression “enemy” has the same meaning as that assigned to it by the Act as amended by the Defence (Trading with the Enemy) Regulations, 1940(a).

“The Custodian” means the Custodian of Enemy Property for England.

“Company” means any company with respect to which the High Court has jurisdiction to make a winding up order.

“Deed of Arrangement” means a Deed of Arrangement to which The Deeds of Arrangement Act, 1914, applies. 4 & 5 Geo. 5.
c. 47.

“A bankrupt” means a person adjudged bankrupt pursuant to the Bankruptcy Acts, 1914 and 1926. 4 & 5 Geo. 5.
c. 59 and
16 & 17 Geo.
5. c. 7.

7. This Order may be cited as the Trading with the Enemy (Insolvency) Order, 1940.

Dated this 4th day of August, 1940.

E. H. Hodgson,
Under-Secretary of the Board of Trade.

(a) S. R. & O. 1940 (No. 1092) I, p. 238, see note at the commencement of this title.