

(4) China Custodian

THE TRADING WITH THE ENEMY (CHINA CUSTODIAN)  
ORDER IN COUNCIL, 1944.

1944 No. 100

At the Court at Buckingham Palace, the 20th day of January, 1944.

PRESENT,

The King's Most Excellent Majesty in Council.

2 & 3 Geo. 6.  
c. 89.

Whereas by Section 14 of the Trading with the Enemy Act, 1939, it was provided that His Majesty may by Order in Council direct that the provisions of the Act other than Section 14 shall extend, with such exceptions, adaptations and modifications, if any, as may be prescribed by or under the Order, to (amongst other places) any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction to the extent of His Majesty's jurisdiction therein:

And whereas His Majesty formerly possessed jurisdiction within the dominions of the Republic of China and by the China (Emergency) Order in Council, 1939 (a), it was provided (amongst other things) that subject to such exceptions, adaptations and modifications as might be prescribed by the Trading with the Enemy Regulations for China made by His Majesty's Ambassador in China, the provisions of the Trading with the Enemy Act, 1939, should apply in China to the extent of His Majesty's jurisdiction therein but otherwise in the same manner as they apply to the United Kingdom.:

And whereas in accordance with the aforesaid Order in Council His Majesty's Ambassador in China made Trading with the Enemy Regulations for China and under the said Regulations His Majesty's Crown Advocate for China (Mr. J. McNeill) was appointed Custodian of Enemy Property for China and certain rights over enemy property were transferred and vested in him as Custodian and are still held by him:

And whereas by a Treaty signed at Chungking on the 11th day of January, 1943, His Majesty surrendered jurisdiction in China and by the China Order in Council, 1943 (b), the China (Emergency) Order in Council 1939 and all regulations made thereunder were repealed but without prejudice to the validity of anything done or suffered under the Orders and Regulations so repealed:

And whereas it is expedient in the circumstances to make provision for the future custody and administration of the enemy property now held by the Custodian of Enemy Property for China:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by Section 14 of the Trading with the Enemy Act, 1939, or

(a) S. R. & O. 1939 (No. 1190), p. I, p. 1472.

(b) S. R. & O. 1943 (No. 386) I, p. 290.

## *Custodian of Enemy Property*

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otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

### *Article 1*

The provisions of the Trading with the Enemy Act, 1939, shall extend to all property, money, assets and all rights thereover, held by or vested in the before mentioned Custodian of Enemy Property for China as if such Property, money, assets and rights had been enemy property, money, assets and rights in England by order of the Board of Trade, paid to or vested in the Custodian of Enemy Property for England to the intent that such property, money, assets and rights shall for the future be vested in and held by the Custodian of Enemy Property for England in accordance with such directions as may from time to time be given by the Treasury or Board of Trade.

### *Article 2*

The Custodian of Enemy Property for China (Mr. McNeill) shall do, and is hereby authorised to do, all such acts and to execute all such deeds, authorities or other instruments as may be necessary to give effect to the provisions of this Order.

### *Article 3*

This Order may be cited as the Trading with the Enemy (China Custodian) Order in Council, 1944.

### *Article 4*

The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

### *Article 5*

This Order shall come into force as from this day's date.

*E. C. E. Leadbitter.*

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