

## ACT No. XIV OF 1915.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 1st October, 1915.)*

An Act to provide facilities for the payment to a public authority of certain moneys, the payment of which is, or may be, prohibited owing to the present war, and to provide for other matters in connection with trading with foreigners.

**W**HEREAS it is expedient to provide facilities for the payment to a public authority of certain moneys, the payment of which is, or may be, prohibited by, or under the provisions of, any Proclamation or Order in Council of His Majesty for the time being in force, relating to trading, commercial intercourse, or other dealings with subjects of States at war with His Majesty, and to afford like facilities in the case of moneys due to certain classes of foreigners, and to extend the law relating to the contravention of the provisions of any such Proclamation or Order in Council, and to make further provisions as to dealings with foreigners; It is hereby enacted as follows :—

1. (1) This Act may be called the Enemy Trading Act, 1915; Short title, extent and duration.

(2) It extends to the whole of British India, including the Sonthal Parganas; and

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

2. In

**2.** In this Act,—

Definitions.

“custodian” means a custodian of enemy property appointed under this Act;

“Enemy Trading Proclamation” means any Proclamation or Order in Council of His Majesty for the time being in force, relating to trading, commercial intercourse or other dealings with subjects of States at war with His Majesty;

“foreigner” has the same meaning as in the Foreigners Act, 1864;

“prescribed” means prescribed by rules made under this Act.

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Constitution of the office of custodian of enemy property.

**3.** (1) The Governor General in Council shall appoint so many persons, as he thinks fit, to act as custodians for the whole or any part of British India for the purpose of receiving, holding and dealing with such money as may be paid to them in pursuance of this Act.

(2) Custodians shall, subject to the provisions of this Act, have such powers and duties, with respect to the money held by them in their capacity as custodians, as may be prescribed.

(3) If any question arises as to the custodian to whom any money may be paid under this Act, the question shall be determined by the Governor General in Council.

Power to pay to custodian certain prohibited payments.

**4.** (1) Any sum, by way of dividends, interest or share of profits, the payment of which to, or for the benefit of, any person is prohibited by or under any Enemy Trading Proclamation may, subject to the provisions of section 7, be paid by the person by whom it would have been payable, if a state of war had not existed, to the custodian to hold subject to the provisions of this Act.

(2) Where, before the commencement of this Act, any such sum has been paid into any account with a bank, or has been paid to any other person in trust, the bank or other person may pay the same to the custodian to hold as aforesaid.

(3) On

(3) On such payment the bank or other person shall be exempt from all liability in respect of such payment.

5. Where, by or under any enactment for the time being in force relating to foreigners, any person is absolutely prohibited from carrying on, or engaging in, any trade or business, or from receiving any money, any sum payable to, or for the benefit of, such person in the way of his trade or business, or any such money may, subject to the provisions of section 7, be paid by the person by whom it is payable, to the custodian to hold subject to the provisions of this Act.

Power to pay to custodian sums, the receipt of which is prohibited under enactments relating to foreigners.

6. Any person paying money to a custodian under the provisions of section 4 or section 5 shall, at the same time, furnish such particulars in regard to the payment as the custodian, subject to any rules prescribed in this behalf, may require; until such particulars have been furnished to the satisfaction of the custodian, the custodian shall not grant a receipt for such money.

Particulars of payment to be furnished to custodian.

7. (1) The custodian may refuse to receive any money on the ground that it is not money to which the foregoing provisions of this Act apply or, with the sanction of the Local Government, for any other reason.

Power to refuse payments, and to decide whether payment is one to which the Act applies.

(2) In the event of any question arising as to whether any money is money to which the foregoing provisions of this Act apply, the decision of the custodian on the question shall be final.

8. Where any money is paid to a custodian under the foregoing provisions of this Act, the receipt of such custodian, or any person duly authorised by him to sign receipts on his behalf for any such money, shall be a good discharge to the person paying the same, as against the person in respect of whom the money was paid to the custodian.

Receipt of the custodian to be good discharge.

9. (1) The custodian shall hold and deal with any money paid to him under this Act in accordance with such

Holding of money by custodian.

such directions as he may receive from the Governor General in Council.

(2) Money held by the custodian under this Act shall not, save as may be otherwise prescribed, be liable to be attached or otherwise taken in execution of a decree.

(3) The custodian shall keep a register of all money held by him under this Act, which register shall be open to public inspection at such reasonable times as he may direct.

Protection of  
custodians.

**10.** No suit or other proceeding shall lie against a custodian for anything done, or intended to be done, in good faith under this Act or any rule made thereunder.

Rule-making  
power.

**11.** (1) The Governor General in Council may, by notification in the Gazette of India, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the powers and duties of custodians;

(b) the particulars to be furnished to custodians by persons making payments to them; and

(c) the payment of money in the hands of the custodian in satisfaction of decrees and debts.

(3) All rules made under this section shall have effect as if enacted in this Act.

Power to extend  
provisions of Act  
to other prohibited  
payments.

**12.** The Governor General in Council may, by notification in the Gazette of India, direct that the provisions of section 4 of this Act, enabling certain moneys to be paid to custodians, shall apply to any payments, the making of which is prohibited by or under any Enemy Trading Proclamation and which are not provided for by that section; and upon such notification, the Act shall be read and construed as if such payments had been included in section 4.

**13.** (1) The

**13. (1)** The Governor General in Council may, by order in writing, direct that any money which is in, or may come into, the hands of any public officer by or under the provisions of any enactment for the time being in force, relating to foreigners, shall be paid by such officer to such custodian as may be specified in the order.

Power to extend provisions of Act to sums in the hands of public officers under enactments relating to foreigners.

(2) Any money paid to a custodian, in accordance with the provisions of sub-section (1), shall be deemed to be money paid to the custodian in pursuance of this Act, and the provisions of this Act shall apply accordingly.

**14. (1)** The Governor General in Council may, by order in writing, prohibit or restrict any person or class of persons from carrying on trade or business with, or transferring any property, moveable or immoveable to, any person or class of persons in respect of whom any restriction has been imposed by or under any enactment for the time being in force relating to foreigners.

Power to prohibit by order payments to certain foreigners.

(2) Any person who contravenes or attempts to contravene the provisions of any order made under sub-section (1) shall be punishable with the punishment provided for an offence under section 4 of the

III of 1914.

(3) The Governor General in Council may, by notification in the Gazette of India, delegate to any Local Government, subject to such restrictions and conditions as he thinks fit, all or any of the powers conferred upon him by this section.

**15.** Section 3 of the Commercial Intercourse with Enemies Ordinance, 1914, as in force by virtue of section 2 of the Emergency Legislation Continuance Act, 1915, shall be read and construed as if after the word "contravenes" the words "attempts, or directly or indirectly offers, proposes or agrees, or has, since the 14th day of October, 1914, attempted or directly or indirectly offered, proposed or agreed, to do any act in contravention of," were inserted.

VI of 1914.

I of 1915.

Amendment of section 3 of Ordinance VI of 1914 as re-enacted by Act I of 1915.