

Serial Number **1951/170**

**THE ENEMY PROPERTY EMERGENCY REGULATIONS 1939,
AMENDMENT NO. 8**

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 25th day of
July, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Continuance Act, 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Enemy Property Emergency Regulations 1939, Amendment No. 8, and shall be read together with and deemed part of the Enemy Property Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

2. (1) Where the copyright of any work was owned by an enemy on the 9th day of July, 1951, and the owner of the copyright ceased to be an enemy as from that date or as from any subsequent date, regulations 6 and 8 of the principal regulations shall apply, and shall be deemed to have continued to apply, as from the date on which the owner of the copyright ceased to be an enemy, to the copyright and to the income to which the owner of the copyright may have been or may now or hereafter be entitled in respect of the copyright, as if the owner had not ceased to be an enemy, and as if the copyright and the income therefrom had not ceased to be enemy property.

(2) The Attorney-General may, by notice in writing to the Custodian of Enemy Property, direct that the foregoing provisions of this regulation shall not apply to any specified owner or owners of copyright or to the copyright of any specified work or works or to any specified income.

3. (1) The Public Trustee, with the consent of the Attorney-General, may carry out the provisions contained in any agreement made (whether before or after the date of these regulations) between the Government of New Zealand and the Government of a State any territory of which was, at any time after the 3rd day of September, 1939, enemy territory so far as those provisions relate to property received by him as Custodian of Enemy Property and to the income of any such property.

* Statutory Regulations 1939, Serial number 1939/153, page 681.
Amendment No. 1: Statutory Regulations 1939, Serial number 1939/203, page 845.
Amendment No. 2: Statutory Regulations 1940, Serial number 1940/107, page 360.
Amendment No. 3: Statutory Regulations 1940, Serial number 1940/228, page 741.
Amendment No. 4: Statutory Regulations 1941, Serial number 1941/175, page 537.
Amendment No. 5: Statutory Regulations 1946, Serial number, 1946/30, page 67.
Amendment No. 6: Statutory Regulations 1947, Serial number 1947/45, page 151.
Amendment No. 7: Statutory Regulations 1951, Serial number 1951/50, page 187.

(2) In particular, but without limiting the generality of the foregoing provisions, the Public Trustee, with the consent of the Attorney-General and in pursuance of any such agreement, may pay or transfer any such property or income held by him as Custodian of Enemy Property for or on behalf of persons who are nationals of or resident in the territories of any such State to the Government of the State or to any Consular Officer or other agent of the Government.

(3) The receipt of any such Government, Consular Officer, or other agent shall be a complete discharge to the Public Trustee for the property or income so paid or transferred, notwithstanding that any person for or on behalf of whom any part of the property or income was held may have died or ceased to be a national of the State or resident in the territories thereof.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

1. Regulation 2 makes it clear that the rights of the Custodian of Enemy Property in respect of copyright owned by former enemies has not been affected by the termination of the state of war with Germany and Austria and will not be affected by a termination of the state of war with Japan.

2. Regulation 3 authorizes the Custodian of Enemy Property to carry out agreements made between the Government of New Zealand and the Government of any State whose territory was enemy territory during the Second World War so far as the agreements relate to property received by the Custodian of Enemy Property in his capacity as Custodian and to income from any such property. The regulation authorizes the property or income of an individual subject of any such State to be transferred, in accordance with any such agreement, to the Government of the State or to a Consular Officer or agent of the Government.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 26th day of July, 1951.

These regulations are administered in the Public Trust Office.