

**Serial Number 1940/4.**



**ORDER IN COUNCIL FRAMING REPRISALS FOR RESTRICTING  
FURTHER THE COMMERCE OF GERMANY.**

At the Court at Buckingham Palace the 27th day of November, 1939.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS His Majesty has been compelled to take up arms against Germany in defence of the fundamental right of nations to a free and peaceful existence :

And whereas German forces have in numerous cases sunk merchant vessels, British, Allied and neutral, in violation of the rules contained in the Submarine Protocol, 1936, to which Germany is a party :

And whereas merchant vessels, British, Allied and neutral, have been sunk by mines laid by German forces indiscriminately and without notification, in contravention of the obligations of humanity and the provisions of the Hague Convention No. VIII of 1907 to which Germany is a party :

And whereas the sinking of these vessels has been effected without regard to their nationality or destination or to the nature, ownership or destination of their cargoes :

And whereas these acts have already resulted in grave loss of non-combatant life, British, Allied and neutral :

And whereas it is manifest that the German Government have deliberately embarked on a policy of endeavouring to destroy all seaborne trade between the Allied and other countries by a ruthless use of the forces at their disposal, contrary to the laws and customs of war, the rights of neutrals and the obligations of humanity :

And whereas this action on the part of the German Government gives to His Majesty an unquestionable right of retaliation :

And whereas the Allies of His Majesty are associated with Him in the steps now to be announced for restricting further the commerce of Germany :

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

1. Every merchant vessel which sailed from any enemy port, including any port in territory under enemy occupation or control, after the 4th day of December, 1939, may be required to discharge in a British or Allied port any goods on board laden in such enemy port.

2. Every merchant vessel which sailed from a port other than an enemy port after the 4th day of December, 1939, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or Allied port.

3. Goods discharged in a British port under either of the preceding Articles shall be placed in the custody of the Marshal of the Prize Court, and, unless the Court orders them to be requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Court. The proceeds of goods so sold shall be paid into Court.

On the conclusion of peace such proceeds and any goods detained but not sold shall be dealt with in such manner as the Court may in the circumstances deem just ; provided that nothing herein shall prevent the payment out of Court of any such proceeds or the release of any goods at any time (a) if it be shown to the satisfaction of the Court that the goods had become neutral property before the date of this Order, or (b) with the consent of the proper officer of the Crown.

4. The law and practice in Prize shall, so far as applicable, be followed in all cases arising under this Order.

5. Nothing in this Order shall affect the liability of any vessel or goods to seizure or condemnation independently of this Order.

6. For the purposes of this Order the words " goods which are of enemy origin " shall include goods having their origin in any territory under enemy occupation or control, and the words " goods which . . . are enemy property " shall include goods belonging to any person in any such territory.

7. Proceedings under this Order may be taken in any Prize Court having jurisdiction to which the Prize Court Rules, 1939,\* apply.

8. For the purposes of this Order the words " British port " mean any port within the jurisdiction of any Prize Court to which the Prize Court Rules, 1939, apply.

RUPERT B. HOWORTH.

\* S.R. & O. 1939 of Great Britain, No. 1466.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 25th day of January, 1940.  
This Order in Council is (in New Zealand) administered in the Customs Department.