

No. 16.

COLONIAL SECRETARY'S DEPARTMENT.

The following Orders of His Majesty in Council are published for general information.

The Order of the 9th November is the Order in Council referred to in Government Notification No. 902 published in the Hong Kong Government Gazette of the 22nd November, 1935. It amends the principal Order of the 25th October, 1935, which was published by Government Notification No. 887 in the Hong Kong Government Gazette of the 15th November, 1935, but it is itself amended by the Order of the 19th November, 1935.

W. T. SOUTHOORN,
Colonial Secretary.

3rd January, 1936.

AT THE COURT AT BUCKINGHAM PALACE,

THE 9TH DAY OF NOVEMBER, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Treaty of Peace Act, 1919, it is provided that His Majesty may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaty of Peace signed at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, and for giving effect to any of the provisions of the said Treaty:

And whereas it is also provided by the said Act that any Order in Council made thereunder may provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof:

And whereas His Majesty in Council was pleased to make the Treaty of Peace (Covenant of the League of Nations) Order, 1935 (hereinafter referred to as "the principal Order") for the purpose of carrying out the said Treaty and giving effect to the Covenant of the League of Nations contained in Part I thereof:

And whereas for the purpose aforesaid it is expedient to vary the principal Order and to make such further provision as is hereinafter contained:

And whereas by treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in British protectorates and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is pleased by virtue and in exercise of the powers vested in him by the Foreign Jurisdiction Act, 1890, or otherwise to extend the provisions of Article one of this Order to all such protectorates and to territories in respect of which such a mandate as aforesaid is being exercised by His Majesty's Government in the United Kingdom:

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

Amendment of Article 2 of principal Order.

1.—(1) Notwithstanding anything in paragraph (1) of Article 2 of the principal Order, the Board of Trade may by licence authorise the importation of any goods which are prohibited to be imported by that paragraph if they are satisfied that the price of the goods was wholly paid on or before the nineteenth day of October, nineteen hundred and thirty-five.

(2) Any such licence may be issued by the President or a Secretary, Under-Secretary or Assistant-Secretary of the Board of Trade or any person authorised in that behalf by the President of the Board.

(3) The said paragraph (1) shall not apply to goods of any of the descriptions set out in the Schedule to this Order.

(4) Article 5 of the principal Order shall apply for the purposes of this Article as it applies for the purposes of that Order.

Amendment of Article 2 of principal Order.

2.—(1) Notwithstanding anything in the proviso to paragraph (2) of Article 3 of the principal Order, the delivery of goods the price whereof has been paid on or before delivery in manner referred to in that proviso shall be deemed to be the making of a loan within the meaning of that Article unless—

(a) the price has been wholly paid before the eighteenth day of November, nineteen hundred and thirty-five; or

(b) the goods are in course of transit on the said date.

(2) This Article shall apply to the Isle of Man and the Channel Islands as it applies to the United Kingdom.

Settlement of certain Anglo-Italian debts.

3.—(1) The Treasury shall appoint a Controller of Anglo-Italian debts (hereinafter referred to as "the Controller"), and no debts to which this Article applies shall be paid otherwise than to the Controller in manner hereinafter provided.

(2) The debts to which this Article applies are all debts due before and owing on the eighteenth day of November, nineteen hundred and thirty-five, or due on or after that date, from persons ordinarily resident or ordinarily carrying on business in the United Kingdom to persons ordinarily resident or ordinarily carrying on business in the Kingdom of Italy in respect of—

(a) the sale of goods grown, produced or manufactured in the Kingdom of Italy (other than goods of any of the descriptions set out in the Schedule to this Order which are imported into the United Kingdom on or after the said eighteenth day of November); or

(b) the carriage of any goods whatsoever from or to the United Kingdom to or from the Kingdom of Italy in ships registered under the law of the Kingdom of Italy.

(3) The following provisions shall have effect as respects the payment of debts to which this Article applies:—

(a) debts due on or before the said eighteenth day of November shall be paid to the Controller on that date;

(b) debts due after the said eighteenth day of November shall be paid to the Controller on the date on which they become due;

(c) payments shall be made to the Bank of England for the account of the Controller;

(d) debts due in Italian lire shall be paid in sterling at such rate of exchange as may be certified by the Controller to be the rate obtaining for the date of payment;

(e) debts due in any currency other than sterling or Italian lire shall, unless the Controller otherwise directs, be paid in that currency;

(f) on the payment of any sum to the Controller, he or the Bank of England on his behalf shall give a receipt therefor, and the receipt shall, so far as regards that sum, be a good discharge to the person paying it.

(4) Any assignment of a debt to which this Article would apply but for that assignment shall be void if the assignment is made after the date of the making of this Order.

(5) All sums received by the Controller under this Article shall be applied by him for the purpose of paying, in whole or in part and in such order and at such times as he thinks fit, debts in respect of which Italian lire have been deposited in manner provided by Article 4 of the Agreement regarding trade and payments embodied in an exchange of notes dated the twenty-seventh day of April, nineteen hundred and thirty-five, between His Majesty's Government in the United Kingdom and the Italian Government:

Provided that the Controller may pay such sums as the Treasury may from time to time approve into the special account mentioned in Article 5 of the said agreement.

(6) The Controller may require any person who appears to him to be liable under this Article to pay any sum to him to furnish him with such information and documents as he may from time to time require.

(7) If any person—

(a) pays any debt to which this Article applies in contravention of paragraph (1) of this Article; or

(b) fails to furnish any information or documents which he is required under the last foregoing paragraph to furnish and able to furnish; or

(c) furnishes under the last foregoing paragraph any information or documents which he knows to be false; he shall be guilty of an offence and liable—

(i) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and fine; or

(ii) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine;

and where any such offence by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(8) On or before the first day of October in the year nineteen hundred and thirty-six and each succeeding year an account shall be prepared by the Controller, in such form and in such manner as the Treasury may direct, of the sums received and paid by him under this Article during the last preceding financial year, and the account shall be audited by the Comptroller and Auditor-General in such manner as the Treasury may direct.

(9) The Controller may sue in the name of the Controller of Anglo-Italian Debts.

(10) Anything required or authorised under this Order to be done by or to the Controller may be done by or to any person duly authorised by him in that behalf.

(11) This Article shall apply to the Isle of Man and the Channel Islands as if they were part of the United Kingdom.

Short title and interpretation.

4.—(1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order, 1935.

(2) The Interpretation Act, 1889, as amended by any subsequent enactment, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

M. P. A. HANKEY.

SCHEDULE.

**GOODS TO WHICH ARTICLE 2 (1) OF THE PRINCIPAL
ORDER DOES NOT APPLY.**

Newspapers, periodicals, printed books and printed music.
Maps and hydrographic charts.

AT THE COURT AT BUCKINGHAM PALACE,

THE 19TH DAY OF NOVEMBER, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Treaty of Peace Act, 1919, it is provided that His Majesty may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaty of Peace signed at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, and for giving effect to any of the provisions of the said Treaty :

And whereas it is also provided by the said Act that any Order in Council made thereunder may be varied by a subsequent Order in Council :

And whereas His Majesty in Council was pleased to make the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order, 1935, for the purpose of carrying out the said Treaty and giving effect to the Covenant of the League of Nations contained in Part I thereof :

And whereas for the purpose aforesaid it is expedient to vary the said Order :

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

Amendment of Article 3 of second Order.

1. Article 3 of the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order shall have effect, and shall be deemed always to have had effect, as if the following paragraph were substituted for paragraph (2) thereof :—

“(2) The debts to which this Article applies are all debts due before and owing on the eighteenth day of November, nineteen hundred and thirty-five, or due on or after that date, from persons ordinarily resident or ordinarily carrying on business in the United Kingdom to persons ordinarily resident or ordinarily carrying on business in the Kingdom of Italy in respect of—

(a) the price of goods grown, produced or manufactured in the Kingdom of Italy and imported into the United Kingdom (other than goods of any of the descriptions set out in the Schedule to this Order which are so imported on or after the said eighteenth day of November); or

(b) any bill of exchange given by way of payment (whether absolute or conditional) of a debt in respect of any such price as aforesaid :

Provided that, where any such bill of exchange has been accepted on or before the fourteenth day of November, nineteen hundred and thirty-five, or where any such bill of exchange, being a cheque, has been drawn and delivered on or before the seventeenth day of November, nineteen hundred and thirty-five, this Article shall not apply to any debt in respect of the bill, or, if the bill was given by way of conditional payment, to the debt by way of payment of which the bill was given.

For the purposes of this paragraph any liability for damages in respect of the dishonour of a bill of exchange shall be deemed to be a debt due in respect of that bill."

Short Title and Interpretation.

2.—(1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) (No. 3) Order, 1935.

(2) The Interpretation Act, 1889, as amended by any subsequent enactment, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

M. P. A. HANKEY.