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INCLOSURE No. 2

In Despatch No. 419 of July 8th 1916

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THE TRADING WITH THE ENEMY AMENDMENT ORDINANCE, 1916.

STATEMENT OF OBJECTS AND REASONS.

The Bill as originally introduced was drafted in accordance with the wishes expressed by the Secretary of State in his Confidential Circular despatch of the 20th January, 1916, for the purpose of enacting in the Protectorate provisions similar to those of the Trading with the Enemy (Extension of Powers) Act, 1915.

2. In order that the firm of Messrs. Schauer and Welles and similar firms, if any, might be liquidated the provisions of the Trading with the Enemy Amendment Act, 1916, Section 1, have been adopted, vide Clause 3 of the Bill, in a modified form. The powers and procedure of a liquidator appointed under this Clause may be prescribed by rule. It is not supposed that there are many firms in existence in the Protectorate of the kind the Clause provides for or that their business relations are of a complicated nature.

3. The Bill, Clause 4, gives power to vest in the Custodian the property in the Protectorate of an Enemy subject. The power of vesting is given to the High Court following the procedure laid down by the Trading with the Enemy Ordinance, 1915, Section 8. This power is required as such property has been left by Enemy subjects who have been interned in India and it is desirable that such property should be controlled.

4. Advantage has been taken of the opportunity to enact in the prototype provisions similar to those of the Trading with the Enemy Amendment Act, 1916, and Clauses 5, 6, 7, 8 of the Bill are an adaptation of Sections 7, 8, 9 and 10 of that Act.

5. In accordance with the instructions of the Secretary of State conveyed in his Confidential Circular despatch of the 20th March, 1916, a provision has been added, vide Clause 10 of the Bill, giving power to withhold payments to Enemy subjects not residing or carrying on business within the Empire in cases where there are funds in the possession of the Official Custodians of Enemy Property.

6. The provision contained in Clause 9 of the Bill has been included in order to comply with the request made by the Secretary of State in his Confidential Circular despatch of the 1st February, 1916.

7. The Bill may in my opinion properly be enacted without prior reference to the Secretary of State.

8. A Comparative Table is annexed hereto.

ATTORNEY GENERAL.

Nairobi,

the 16th day of June, 1916.

THE TRADING WITH THE ENEMY AMENDMENT ORDINANCE

1916.

COMPARATIVE TABLE.

No.	Remarks.
1.	Short Title and Construction.
2.	The Trading with the Enemy (Extension of Powers) Act, 1916, Section 1.
Section 3.	Compare the Trading with the Enemy Amendment Act, 1916, Section 1.
Section 4.	Compare the Trading with the Enemy Amendment Act, 1916, Section 4.
	Compare the Trading with the Enemy Amendment Act, 1916, Section 7.
	Compare the Trading with the Enemy Amendment Act, 1916, Section 8.
Section 7.	Compare the Trading with the Enemy Amendment Act, 1916, Section 9.
Section 8.	Compare the Trading with the Enemy Amendment Act, 1916, Section 10.
Section 9.	Compare the Trading with the Enemy Amendment Act, 1916, Section 5, and the Confidential Circular despatch from the Secretary of State of the 1st February, 1916.
Section 10.	Compare the Confidential Circular despatch from the Secretary of State of the 20th March, 1916.
Section 11.	Definition. Compare the Trading with the Enemy Amendment Act, 1916, Section 15.